



FIRST TIME APPLICATION FOR ALCOHOL LICENSE

Forms Included in Packet:

FIRST time a business applies for a Fermented Malt Beverage/Intoxicating Liquor License, they must provide a copy of their State Seller's Permit ID certificate along with the completed forms listed below.

1. Retail Licenses – Types
2. New Applicant Form
3. AT-106 Original Alcohol Beverage Application
4. AT-103 Auxiliary Questionnaire (one for each member entity must complete)
5. AT-104 Schedule For Appointment of Agent (If a corporation or LLC)
6. Appointment of Liquor/Beer Agent
7. Agent Authorization Letter
8. AT-109 Informational Pamphlet
9. Publication 302 Wisconsin Alcohol Beverage and Tobacco Laws for Retailers
10. Operator Application
11. City of Fitchburg Policy Guidelines Alcohol Beverage Licenses
12. Copy of Chapter 60 – “Alcohol Beverages” (Copy as needed from the General Code of Ordinances Located in Vault)
13. Application for Economic Development Grant
14. CTP-200 Application for Cigarette and Tobacco Products License
15. Special Occupational Tax
16. License Supplemental Form – for Office use Only

A publication fee of \$100.00 is paid at time of application.

Operator licenses are \$70.00 each. Payment is due upon application.

If the site has not been previously licensed, the City Clerk's office schedules a public hearing before the Public Safety and Human Services Committee on the granting of the license. The City Clerk's office notifies all property owners situated within a radius of 300 feet of the proposed site, of the dates of the hearing. The notice shall be given at least 10 days before the hearing.

****If site has previously been licensed, then a public hearing is not needed, nor notification of adjoining property owners. Just publish notice in paper as Class 1 notice and put on PSHS & CC Agenda.**

Copies of the application go to the Police Department, Fire Department and Building Inspection Department. Applicants will have their accounts checked for any outstanding fines/fees/charges owed to the City of Fitchburg, thru Finance and Court.

Upon approval and payment of all fees owed, license is issued to applicant.

RETAIL LICENSES – TYPES & FEES

Class "A" Beer to be consumed off-premises Examples: Convenience store or liquor store	Annual Cost: \$250
"Class A" Intoxicating liquor to be consumed off-premises Examples: Convenience store or liquor store	Annual Cost: \$500
"Class A" Cider Cider to be consumed off-premises and may not offer samples of Intoxicating Liquor Examples: Convenience store or liquor store	Annual Cost: \$0
Class "B" Beer to be consumed on-premises Examples: Bar or restaurant	Annual Cost: \$100
"Class B" Intoxicating liquor to be consumed on-premises Examples: Bar or restaurant	Annual Cost: \$500
Reserve "Class B" Intoxicating liquor to be consumed on-premises Examples: Bar or restaurant	Initial Cost: \$10,000 Annual Cost: \$500
Temporary Class "B" (Picnic) Beer to be consumed at a picnic or similar gathering	Cost: \$10
Temporary Class "B" (Picnic) Wine to be consumed at a picnic or similar gathering	Cost: \$10
Temporary Class "B" (Picnic) Wine Walks Wine to be consumed multiple locations, up to twenty temporary licenses for same date and time of not more than one day	Cost: \$10
"Class C" Wine to be consumed on-premises Examples: Restaurant	Annual Cost: \$100

OTHER LICENSES & FEES

Operator's License – 2 yrs. Expires June 30th odd numbered years	Bi-Annual Cost: \$70
Provisional Operator's License	Cost: \$15
Temporary Operator's License	Cost: \$10
Change of Agent	Cost: \$ 10
Cigarette License	Annual Cost \$100
Publication Fee - Initial	Cost: \$100
Publication Fee - Renewal	Annual Cost: \$55
Renewal Late Fee	Additional Cost: \$250

TO BE COMPLETED BY NEW APPLICANTS

TO APPLICANTS: Prior to your hearing before the Public Safety & Human Services Committee, we strongly suggest you contact the Alderpersons of the District in which you intend to do business. You are **required to contact the Police Chief - Tom Blatter**, to schedule a walk thru of the premises prior to your hearing.

If you are doing any type of outdoor serving or seating, you must contact the City Planner, Tom Hovel at (608) 270-4255 and the Police Chief, Tom Blatter at (608) 270-4300.

In this case, the Alderpersons are: _____
and _____.

The Police Chief, Tom Blatter, may be reached at (608) 270-4300.

In addition, the Public Safety & Human Services Committee will question you in several areas with regard to your application. We strongly urge you to provide the following information:

1. Anticipated opening date: _____
2. Mailing address if not opening immediately: _____
3. Contact person for appearance before the Public Safety & Human Services Committee :

4. Name of owner of building where establishment is located: _____
Address of owner: _____, Phone Number _____
5. Do you propose any changes in the physical structure of the building interior/exterior?
YES _____ NO _____ If Yes, indicate changes _____

6. Describe existing parking _____
7. What type of establishment is contemplated, (bar, restaurant, etc) _____
8. If the proposed establishment is to be a restaurant, indicate the estimated percent of food vs. bar business. Food _____% and Bar _____%.
9. List the experience of the applicant and key personnel (bar or restaurant manager, agent) in running a licensed establishment _____
10. Have you contacted the Alderpersons in the area in which you intend to locate?
YES _____ NO _____ Comments: _____

11. Is premise for which a Retail Class A and Class B liquor license so arranged as to furnish a clear view from the street, except in the case of restaurants, clubs and hotels? YES _____
NO _____
12. If applicant operating under a lease or franchise type agreement? YES _____ NO _____

Private organizations (clubs) applying for a new liquor license answer the following questions:

Do your membership policies contain any requirement of "Individous (Likely to Give offense) discrimination in regard to race, creed, color or national origin? YES _____ NO _____

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning _____ 20 _____ ;
ending _____ 20 _____

TO THE GOVERNING BODY of the: ☐ Town of } _____
☐ Village of }
☐ City of }

County of _____ Aldermanic Dist. No. _____ (if required by ordinance)

1. The named ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ LIMITED LIABILITY COMPANY
☐ CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): _____

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	_____	_____	_____
Vice President/Member	_____	_____	_____
Secretary/Member	_____	_____	_____
Treasurer/Member	_____	_____	_____
Agent	_____	_____	_____
Directors/Managers	_____	_____	_____

3. Trade Name _____ Business Phone Number _____

4. Address of Premises _____ Post Office & Zip Code _____

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? _____ ☐ Yes ☐ No

6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? _____ ☐ Yes ☐ No

7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? _____ ☐ Yes ☐ No

8. (a) **Corporate/limited liability company applicants only:** Insert state _____ and date _____ of registration.

- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? _____ ☐ Yes ☐ No

- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? _____ ☐ Yes ☐ No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) _____

10. Legal description (omit if street address is given above): _____

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? _____ ☐ Yes ☐ No

- (b) If yes, under what name was license issued? _____

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] _____ ☐ Yes ☐ No

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. _____ ☐ Yes ☐ No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? _____ ☐ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this _____ day of _____, 20 _____

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Clerk/Notary Public)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

My commission expires _____

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) (first name) (middle name)				
Home Address (street/route)	Post Office	City	State	Zip Code
Home Phone Number	Age	Date of Birth	Place of Birth	

The above named individual provides the following information as a person who is (check one):

- ☐ Applying for an alcohol beverage license as an **individual**.
- ☐ A member of a **partnership** which is making application for an alcohol beverage license.
- ☐ _____ of _____
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
- which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? _____
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☐ No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.) _____
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☐ No
If yes, describe status of charges pending. _____
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☐ No
If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☐ No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Employer's Name	Employer's Address	Employed From	To

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this _____ day of _____, 20 _____

(Clerk/Notary Public)

(Signature of Named Individual)

My commission expires _____



Printed on
Recycled Paper

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town
☐ Village of _____ County of _____
☐ City

The undersigned duly authorized officer(s)/members/managers of _____
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as _____
(trade name)

located at _____

appoints _____
(name of appointed agent)

_____ (home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☐ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☐ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? _____

Place of residence last year _____

For: _____
(name of corporation/organization/limited liability company)

By: _____
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, _____, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

(signature of agent) _____ (date) Agent's age _____

(home address of agent) Date of birth _____

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)



APPOINTMENT OF LIQUOR/BEER AGENT

Date: _____

State of Wisconsin

County of Dane

I, _____, appointed liquor/beer agent, for _____, being first duly sworn say that I have vested in me, by properly authorized and executed written delegation, full authority and control of the premise described in the license of such corporation, and I am involved in the actual conduct of the business (employee) or have a direct financial interest in the business of the licensee therein relating to the intoxicating liquor/fermented malt beverage. The interest I have in the business is:_____.

Signature of Agent

Identify the registered agent for purposes of service of process pursuant to §180.0504, Wis. Stats. for Corporations and 101.0105(8) Wis. Stats. as it pertains to Limited Liability Companies.

Name

Mailing Address

City

State

Zip

Subscribed and sworn to before me this

_____ day of _____.

Notary Public, Dane County, Wisconsin

My commission expires:_____

**PUBLIC SAFETY & HUMANS SERVICES COMMITTEE AND COUNCIL APPROVAL REQUIRED
FOR ALL AGENT CHANGES.**

AGENT AUTHORIZATION LETTER

Date: _____

I, _____, officer for

_____,
(Corporation or LLC Name)

_____,
(D/B/A)

authorize and appoint _____ as liquor/beer agent for
(Agent Name)

the premise located at _____.
(Address of Licensed Premise)

Officer of Corporation or LLC

Subscribed and sworn to before me this _____ day of _____.

Notary Public

State of _____, County of _____

My Commission Expires: _____

INFORMATIONAL PAMPHLET
LICENSING FOR ALCOHOL BEVERAGES

All Section (sec.) references are to the Wisconsin Statutes

I. AUTHORITY

A. Municipalities – may grant (approve by licensing authority) or issue (give to applicant) licenses for the sale of alcohol beverages subject to limitations and restrictions imposed by law as follows:

1. Class "A" retailers (sec. 125.25) may sell beer to consumers in any quantity in original packages for off-premise consumption only. They may offer taste samples of beer on premises.
2. Class "B" retailers (sec. 125.26(1), (2), (3), (4), and (5)) may sell beer to consumers for on-premise or off-premise consumption.
3. Temporary Class "B" retailers (sec. 125.26(6)) may sell beer to consumers at a picnic or similar gathering of limited duration. Such licenses may only be issued to bona fide clubs, lodges, societies, and churches which have been in existence for at least six months, or to veteran's organizations and fair associations.
4. Temporary "Class B" retailers (sec. 125.51(10)) may sell wine to consumers at a picnic or similar gathering of limited duration. Such licenses may only be issued to bona fide clubs, lodges, societies, and churches which have been in existence for at least six months, or to veteran's organizations and fair associations.
5. "Class A" retailers (sec. 125.51(2)(a), (b), (c), and (d)) may sell intoxicating liquor to consumers only in original packages for off-premise consumption. They may offer taste samples of wine on premises.
6. "Class B" retailers (sec. 125.51(3)(a), (c), (d), (e), and (f)) may sell intoxicating liquor to consumers for on-premise consumption. If the municipality enacts a specific ordinance under sec. 125.51(3)(b) sales may be made for off-premise consumption in quantities not exceeding four liters.
7. "Class C" retailers (sec. 125.51(3m)) may sell wine by the glass or in an opened original container for consumption on the premises where sold. Such licenses may only be issued for restaurants if the sale of alcohol beverages accounts for less than 50% of the gross receipts. It may not be issued to foreign corporations or foreign LLC's.
8. Provisional retail licenses (sec. 125.185) shall be issued by municipalities. The governing body may by ordinance establish standards under which provisional licenses shall be issued and shall by ordinance designate the municipal official having authority to issue the retail licenses.
 - a) May be issued only to persons applying for Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine authorizing only the activities allowed under that type of license.

b) Fee shall be established by ordinance, but may not exceed \$15.

c) A provisional license expires 60 days after issuance or when the person is issued a retail license. The license may be revoked by the municipal official if he or she discovers the holder made false statements in the application.

d) A municipal official may not issue a provisional "Class B" license if the quota prohibits the issuance of such a license.

e) No person may hold more than one provisional retail license for each type of license applied for per year.

9. Operator's licenses (sec. 125.17(1), (2), and (3)), temporary operator's licenses (sec. 125.17(4)), and provisional operator's licenses (sec. 125.17(5), and (6), 125.32(2)-beer, and 125.68(2)-liquor) shall be issued to individuals 18 years of age or over who do not have an arrest or conviction record subject to secs. 111.321, 111.322 and 111.335 and will be responsible for supervising activities on Class "A" beer, Class "B" beer, "Class B" intoxicating liquor, and "Class A" intoxicating liquor and "Class C" wine premises during required hours in absence of the licensee or approved agent of corporation/limited liability company. Licensed operators (bartenders) are also required on the premises of Temporary Class "B"/"Class B" licenses. New applicants must successfully complete a beverage server training course prior to issuance of the license. The municipal governing body may by ordinance establish standards for issuance of provisional operators' licenses and designate the municipal official having authority to issue them. Provisional operator's licenses shall be issued to persons enrolled in the course and who have applied for a regular operator's license.

They may also be issued to someone who held an operator's license in another municipality and has applied for an operator's license in your municipality.

B. The Department of Revenue may issue alcohol beverage permits as follows:

1. Fermented malt beverage wholesaler permits (sec. 125.28(1)), may sell fermented malt beverages (beer) only in original packages to retailers or wholesalers (secs. 125.29 and 139.09)).
2. Sports "Class B" retailers (sec. 125.51(5)(a)) may sell intoxicating liquor if the facilities are not open to the general public and the municipality does not issue such licenses or to a club located in a municipality that issues "Class B" licenses, if the club is not open to the general public, was not issued a license under sec. 176.05 (4a), 1979, and does not currently hold a "Class B" license.

3. Sports Class "B" retailers (sec. 125.27(1)) may sell beer if the facilities are not open to the general public. These may be issued only if the municipality does not issue such licenses.
4. County or municipal-owned airport or public facilities "Class B" retailers (sec. 125.51(5)(b)) may sell intoxicating liquor. The permit may only be issued to a designated concessionaire. (A Class "B" beer license must be obtained from the municipality in which the airport or public facility is located.)
5. Vessels Class B retailers (secs. 125.27(2) and 125.51(5)(c)) may be issued a permit if meeting the criteria as set forth in the statutes.
6. Brewery, brewpub, winery, wholesale liquor/beer, manufacturer and rectifier permits (secs. 125.29, 125.295, 125.53, 125.54, 125.28, and 125.52).

II. QUALIFICATIONS

A. Training Course.

Individuals, partners, and agents of corporations/organizations and limited liability companies must have successfully completed a Wisconsin approved responsible beverage server training course (see "Training" on the department's website at www.revenue.wi.gov or a Wisconsin technical college course unless:

1. The person is renewing a license.
2. Within the past two years the applicant held a manager's or operator's license, or held or was agent of a corporation or limited liability company that held a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine license in Wisconsin.
3. Within the past two years the person successfully completed a Wisconsin authorized training course.

B. Individual applicants for retail alcohol beverage licenses must meet the following qualifications (sec. 125.04(5)):

1. Be 21 years of age or older.
2. Does not have an arrest or conviction record subject to secs. 111.321, 111.322, and 111.335.
3. Be a continuous Wisconsin resident for at least 90 days.
4. Submit proof under sec. 77.61(11).
5. Must not be convicted of a felony, subject to secs. 111.311, 111.322, and 111.335 unless pardoned.

Note: Applicants for operators' licenses are not subject to 1, 3 and 4 above. See section I. number 9.

C. Partnerships

1. Each partner must meet all of the qualifications listed in II.A. and B.
2. Each partner must be listed on the application.

D. Wisconsin or foreign corporations, nonprofit organizations and limited liability companies

(sec. 125.04(5)(c)) applying for alcohol beverage licenses.

1. All officers and directors of a corporation and members or managers of a limited liability company must meet the qualifications under 1 and 2 of II.B. Only one officer of a corporation is required under Chapter 180. Limited liability companies may have 1 or more members.
2. An agent who is responsible for all activities must be appointed. The agent must meet the qualifications listed in II.A. and B. The license is not valid until the agent has been approved by the municipal licensing authority (sec. 125.04(6)).
3. Foreign corporations are not qualified to hold "Class C" wine licenses (sec. 125.51(3m)(c)).

III. FORMS

The department will make each kind of license application that it prepares available to municipalities on its internet site at www.revenue.wi.gov. It is the municipality's responsibility to copy the forms and use the copies for license applications. (Note: the department does not prepare managers' and operators' license applications.)

A. ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION (AT-106). Use for all new applicants. (Always include the AT-103 Auxiliary Questionnaire along with the AT-106.)

B. RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION (AT-115). Use only for those applying for renewal of a license, including 6-month licenses. If there is any change in the business entity, including from an individual to a partnership or corporation/limited liability company, or if a partner is added or dropped, or if a partnership is incorporated, or limited liability company formed, an original application must be submitted on Form AT-106.

C. AUXILIARY QUESTIONNAIRE (AT-103). Must be completed by all individuals, all partners, and all officers and directors and the agent of corporations and members or managers and agent of limited liability companies making application for a license and be attached to Form AT-106 or AT-115. The questionnaire must also be completed for any successor agent appointed by a corporation/limited liability company, and by all new officers and directors of corporations or new members or managers of limited liability companies applying for renewal, in which case the forms must be attached to the Form AT-115.

D. SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION (AT-104). Must be used by all corporations, nonprofit organizations or limited liability companies when applying for an original license or whenever a new agent is appointed.

E. TEMPORARY (PICNIC) LICENSE APPLICATION (AT-315). Must be used by qualified clubs, churches, or organizations desiring to sell beer, and/or wine at a particular picnic or similar gathering.

IV. INFORMATION REQUIRED OF APPLICANT

The applicant must furnish all information requested and respond to all questions asked so the licensing board/council can determine if the applicant is qualified.

A. Applicants for Retail Beer and/or Liquor Licenses.

1. Beginning and ending dates of the licensing period must be entered.
2. The seller's permit number must be indicated in the upper right hand corner. New applicants should contact the nearest Department of Revenue office for an application.
3. The type of license applied for and appropriate fees must be entered in the box in the upper right hand corner.
4. The name of the municipality and county must be entered.
5. The type of applicant, with complete name and mailing address must be furnished. If a trade name is used it also must be furnished. **The license must be issued in the exact name of the applicant; if a partnership, the license must be issued in the names of all partners; if a corporation, in the complete name of the corporation followed by the name of the agent; if a limited liability company, the name of the company followed by name of agent.** A license may not be issued in the trade name.
6. A complete and accurate description of the building or buildings where alcohol beverages are to be stored, sold, or served must be furnished. The physical description on the application must be entered on the license when the application is approved.
7. All questions must be answered by the applicant and the answers evaluated by the licensing board/council to determine if the applicant is fully qualified.
8. All applications must be signed with the signatures properly notarized.

B. Auxiliary Questionnaire

1. A completed form must be attached to each original application for each individual, partner, officer, director, member, and agent.

C. Appointment of Agent (sec. 125.04(6)).

1. Must meet qualifications listed in II.A. and B. The agent must be located near enough so he or she can actively supervise the licensed premises.
2. The completed form for any newly-appointed agent must be approved by local licensing and enforcement officials.

V. RESPONSIBILITY

A. Municipalities.

1. Must ensure that required applicants have completed the responsible beverage server training course.
2. Must obtain completed application from each applicant, and record date application was filed.

3. Must obtain completed auxiliary questionnaires as described above.

4. Must obtain completed appointment of agent schedule for each new corporation or nonprofit organization or limited liability company and obtain local enforcement approval. This completed form must also be obtained for all changes of agent, which must be approved by local enforcement officials. A fee of \$10 shall be paid to the licensing authority by the corporation or limited liability company for any change of agent (sec. 125.04(6)(e)).

5. Must publish all applications as provided under sec. 125.04(3)(g). Publication is not required of temporary Class "B"/"Class B" licenses.

6. Must require applications for all alcohol beverage licenses to be filed with the clerk at least 15 days prior to action by licensing authority (sec. 125.04 (3)(f)).

Exception: This requirement does not apply to:

(a) Municipalities in Milwaukee County.

(b) Applications for temporary licenses under sec. 125.26(6) lasting less than four days.

7. Must enter the date the application was submitted to the licensing authority, which must then determine that each applicant is qualified before granting the license.

8. Must enter the dates the license was granted and issued, and the license must be prepared in the exact name of the applicant with the complete physical description.

9. Must send a list of licensees issued as of July 1, each year (excluding managers, operators and picnic beer/wine licensees) to the Department of Revenue by July 15th of each year. The list must include the name, address and trade name of each licensee, including provisional retail licenses, as well as the type of license held; if the licensee is a corporation or limited liability company, include the name of the agent.

B. Department of Revenue

1. May issue permits to sports clubs, airports/public facilities, vessels, breweries, brewpubs, wineries, liquor wholesalers, beer wholesalers, manufacturers, rectifiers, and wine direct shippers. Permit fees are payable to the Department of Revenue.

VI. TRANSFERS

Transfers of licenses are allowed only in the following situations:

- A. Licenses, except for reserve "Class B" liquor and licenses issued under sec. 125.51(4)(v), may be transferred from one premise to another within a municipality (sec. 125.04(12)(a)) no more than once in a license year for \$10. A licensee who moves must file an AT-112 (Retail License Transfer) with the clerk of the municipality. These forms are available upon request from the department.

- B. Licenses may be transferred by completion of Form AT-108, at no charge during the license year from one person to a court-appointed receiver as a result of foreclosure or proceedings to avoid

bankruptcy, or to a trustee when the licensee enters bankruptcy, or to the personal representative or surviving spouse upon the death of the licensee. If a retail licensee becomes disabled, the municipality may, upon application, transfer the license to the licensee's spouse if that spouse complies with all of the requirements under this chapter applicable to original applicants, except that the spouse is exempt from payment of the license fee for the year in which the transfer takes place (sec. 125.04(12)(b)).

- C. Licenses may be transferred by completion of Form AT-108, at no charge from one partner to another if a partner dies during the license year and the deceased's equity is assigned to a surviving or new partner.

VII. SIX MONTH LICENSES

- A. A Class "B" beer license may be issued for any six-month period in a calendar year at 50% of the regular annual fee, but such licenses may not be renewed during the calendar year (sec. 125.26(5)).
- B. Six-month "Class A" or "Class B" intoxicating liquor and "Class C" wine licenses may be issued for any six-month period in a calendar year at 50% of the regular annual fee, but such licenses may not be renewed during the calendar year (sec. 125.51(9)(b)).

VIII. FEES

Annual fees are determined by the municipality up to the maximum amount listed below.

- A. Provisional Retail License – \$15 (sec. 125.185).
- B. Beer Class "A" retailer licenses – any amount set by the licensing authority (sec. 125.25(4)). Shall be prorated on the basis of the number of months remaining in license year.
- C. Beer Class "B" retailer licenses – \$100 maximum per year. Shall be prorated on the basis of the number of months remaining in the license year (sec. 125.26(4) and (5)).
- D. Temporary Class "B" beer licenses – \$10 (sec. 125.26(6)).
- E. Temporary "Class B" (wine) licenses – \$10. No fee may be charged if the applicant is also applying for a temporary Class "B" license for beer (sec. 125.51(10)).
- F. Wine "Class C" retailer licenses – \$100 maximum (sec. 125.51(3m)(e)). Shall be prorated on the basis of the number of months remaining in license year.
- G. "Class A" intoxicating liquor – minimum \$50 and maximum \$500 (sec. 125.51(2)(d)). Shall be prorated on the basis of the number of months remaining in the licensing period (secs. 125.51(2)(d) and (9)(a)).
- H. "Class B" intoxicating liquor – minimum \$50 and maximum \$500 (sec. 125.51(3)(e)1). RESERVE "Class B" intoxicating liquor – minimum \$10,000 initial fee (sec. 125.51 (3)(e) 2) plus a fee between \$50 and \$500. RENEWAL FEE – between \$50 and \$500. RESTAURANT/HOTEL under (sec. 125.51 (4)(v) – annual initial and renewal fees established locally. Shall be prorated on the basis of the number of months remaining in the licensing period (sec. 125.51 (9)(a)). Minimum fee shall not apply to

licenses issued to bona fide clubs and lodges situated and incorporated in the state for at least 6 years.

- I. Operator's licenses – any amount set by the licensing authority (sec. 125.17(3)).
- J. Cigarette and Tobacco Products License – \$5-\$100 (sec. 134.65). Clerks approve and issue the license.
- K. Beer & Liquor statutes contain no provisions about refunds of license fees.
- L. Agent change – \$10 (sec. 125.04 (6)(e)).
- M. Licensees must file a Special Occupational Tax return (SOT) with the National Revenue Center (1-800-937-8864) (Temporary Class "B"/"Class B" licenses are exempt.)

IX. RESTRICTIONS

- A. A "Class B" intoxicating liquor license cannot be issued unless the applicant holds or has applied for a Class "B" fermented malt beverage license (sec. 125.51 (3)(f)), except to a winery.
- B. No retail fermented malt beverage license may be issued to any applicant indebted for the purchase of beer in excess of 15 days (sec. 125.33(7)(b)).
- C. No retail intoxicating liquor license may be issued to any applicant indebted for the purchase of intoxicating liquor in excess of 30 days (sec. 125.69(4)(b)).
- D. A "Class A" intoxicating liquor license cannot be issued for the same or connecting premises as a Class "B" beer, "Class B" intoxicating liquor or "Class C" wine license unless it qualifies as a hotel (sec. 125.51(8)). There is no provision for the issuance of a Class "A" beer and a Class "B" beer license for the same premises.
- E. Except as provided, no retail "Class B" intoxicating liquor license may be issued in excess of a municipality's quota (sec. 125.51 (4)).
- F. No retail "Class B" liquor license may be issued for a premises which does not meet the standards of the Department of Health and Social Services for restaurants (sec. 125.68(5)).
- G. No retail liquor licensee may have any interest in a wholesale liquor establishment. No liquor wholesaler may have any interest in any retail liquor establishment ("Class A" liquor sec. 125.69(1)(a), "Class B" liquor sec. 125.69(1)(b)).
- H. Class "B" licenses may not be issued to brewers or beer wholesalers. Wholesale beer permits may not be issued to persons holding a Class "B" license or permit or to persons who have any ownership interest in a premises operating under a Class "B" license or permit (sec. 125.26(2) and 125.28(2)).

Wisconsin Alcohol Beverage and Tobacco Laws for Retailers

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IMPORTANT CHANGES

2011 WI Act 249 prohibited the retail sale of "nicotine products" to any person under the age of 18, and prohibited any person under 18 from buying, attempting to buy, or possessing any nicotine product. See the definition of nicotine product on page 13. New guidance regarding sellers permits is provided in section VI on page 6, and regulation of "wine walks" is described in section XV on page 8.

I. INTRODUCTION

This publication provides information about state alcohol beverage and tobacco laws that affect you as a retailer.

Most of the laws outlined in this publication are found in Chapter 125 and sections 134.65 and 134.66 of the Wisconsin Statutes.

Municipalities also may enact additional regulations affecting your business. You should contact your local municipal clerk if you have questions about local ordinances.

For more information on state alcohol beverage and tobacco laws, write to the Wisconsin Department of Revenue, Alcohol & Tobacco Enforcement, P.O. Box 8933, Madison, WI 53708 or call (608) 266-2776.

CAUTION

- The information in this publication reflects the position of the Wisconsin Department of Revenue of laws enacted by the Wisconsin legislature as of April 1, 2015. Laws enacted after this date, administrative rules, and court decisions may change the interpretations in this publication.
- The examples and type of sales and purchases provided in this publication are not all-inclusive. They merely set forth common examples.

II. DEFINITIONS

Adult – A person who is 18 years of age or older.

Minor – A person who is under 18 years of age.

Legal Drinking Age – 21 years of age.

Underage Person – A person who is not of legal drinking age.

Beer – A fermented malt beverage containing .5% or more of alcohol by volume.

Intoxicating Liquor (Or Liquor) – All alcohol beverages (other than beer) containing .5% or more alcohol by volume, and all wines.

Alcohol Beverages – A statutory term which includes beer, wine, and liquor.

Provisional Retail License

1. A municipal governing body that issues licenses shall issue provisional retail licenses. The governing body may by ordinance establish standards under which the licenses shall be issued and shall by ordinance designate the municipal official having the authority to issue the provisional license.
2. The provisional retail license may be issued only to a person applying for a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor or "Class C" wine.
3. The fee shall be determined locally but may not exceed \$15.
4. The license will expire 60 days after issuance or when the person has been issued a license as listed under 2. The official who issued the provisional retail license may revoke the license if he or she discovers the holder made a false statement on the application.
5. A municipality may not issue a provisional "Class B" liquor license if the municipality's quota is filled.
6. No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

Class “A” Fermented Malt Beverage License – Authorizes the retail sale of beer and beer-based coolers, in the original sealed container, for consumption off the licensed premises.

1. No sales to other licensees for resale;
2. May sell in any quantity to the public;
3. No beer sales between 12 midnight and 6:00 a.m.
4. Local ordinances may further restrict these hours.
5. May furnish customers with two 3 fluid ounce taste samples of beer between 11:00 a.m. – 7:00 p.m.

“Class A” Liquor License – Authorizes the retail sale of liquor and wine, in the original sealed container, for consumption off the licensed premises.

1. No sales to other licensees for resale;
2. May sell in any quantity to the public;
3. May not sell intoxicating liquor and wine between 9:00 p.m. - 6:00 a.m.
4. Local ordinances may further restrict these hours.
5. May furnish customers with two 3 fluid ounce taste samples of wine between 11:00 a.m. – 7:00 p.m.

Class “B” Fermented Malt Beverage License – Authorizes the retail sale of beer and beer-based coolers for consumption on the licensed premises and for consumption off the licensed premises.

1. No sales to other licensees for resale;
2. May sell in any quantity to the public;
3. Must be closed between the following hours:
 - a) Monday - Friday – 2:00 a.m. - 6:00 a.m.
 - b) Saturday - Sunday – 2:30 a.m. - 6:00 a.m.
 - c) Second Sunday in March – 3:30 a.m. – 6:00 a.m.
 - d) New Year’s Eve – No closing required.
 - e) Local municipalities may NOT further restrict the closing hours.

4. No off-premises sales between 12:00 midnight - 6:00 a.m. Local ordinances may further restrict these sales hours.

“Class B” Liquor License – Authorizes the retail sale of liquor by the drink for consumption on the licensed premises and (if allowed by local ordinance) in the original sealed container for off-premises consumption.

A single, open bottle of wine may be taken off premise if ordered with a meal and re-corked prior to being taken off premise.

1. No sales to other licensees for resale;
2. Off-premises sales of liquor, when permitted by local ordinance, limited to 4 liters or less;
3. Wine may be sold in the original package, in any quantity, for on and off-premises consumption.
4. Closing hours the same as Class “B” License, above.
5. A winery that has a “Class B” (wine only) license issued under s. 125.51(3)(am) must close between 9:00 p.m. and 8:00 a.m.

“Class C” Wine License – Authorizes the retail sale of wine by the glass or in an opened original container for consumption on premises only.

A single, open bottle of wine may be taken off premise if ordered with a meal and re-corked prior to being taken off premise.

1. No sales to other licensees for resale.
2. Closing hours the same as Class “B” License, above.

Notice - With limited exceptions, all retailers of alcohol beverages may only sell to consumers who are physically at the licensed premises.

For example:

- (1) A customer phones in an order to a local pizza parlor (that holds a Class B beer license) to have a pizza and a six pack of beer delivered to his home – this sale is prohibited, as the sale was not made

face-to-face to the consumer at the licensed premises

- (2) A group of college students call their local liquor store and ask that 6 half barrels of beer be delivered to their house for a party – this sale is prohibited, as the sale was not made face-to-face to the consumers at the licensed premises.

III. ALCOHOL BEVERAGE LAW

A. Closing Hours

1. Customers must leave the premises by the closing hour; internal business operations (counting cash, cleaning, repairs, etc.) may be done after hours but licensees must be able to prove that anyone on the premises after hours is there for these purposes.
2. Hotels and restaurants whose “principal business” is furnishing lodging and food to customers, bowling centers, indoor horseshoe pitching facilities, golf courses, and curling clubs may remain open after hours to conduct their regular business. They may not permit consumption of or sell alcohol beverages after hours.

“Principal business” means the primary activity as determined by analyzing the amount of capital, labor, time, attention, and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance, and advertising of the entity may also be taken into consideration if they are given less weight.

B. Daylight Saving Time

Section 175.095(2), Wis. Stats., states that daylight saving time begins at 2:00 a.m. the second Sunday in March and ends at 2:00 a.m. the first Sunday in November.

As such, clocks are set ahead one hour at 2:00 a.m. the second Sunday in March. Thus taverns would close at 3:30 a.m. daylight saving time on this date.

On the first Sunday in November, the clocks are set back an hour at 2:00 a.m.; bars gain an extra hour

and must close at 2:30 a.m. regular Central Standard Time.

C. Training Requirements For Completion Of The Responsible Beverage Server Training Course (Required As A Condition Of Licensing)

Applicants must successfully complete an approved training course, such as courses offered by the Wisconsin Technical College System, or similar approved courses (see “Training” on the department’s web side at revenue.wi.gov) unless:

1. The person is renewing a retail or an operator’s (bartender’s/sales clerk’s) license.
2. The person was the agent (within the last two years) for a corporation that held a Class “A” beer, Class “B” beer, “Class A” liquor, “Class B” liquor or “Class C” wine license.
3. The person held a retail license or an operator’s or manager’s license during the past two years.
4. The person completed such a course within the past two years.

IV. LICENSING

A license is a **privilege** granted by local authorities to a particular person, partnership, or corporation to run a particular place for the time period specified. Just as one’s driver’s license can’t be used by another, an alcohol beverage license can’t be used by someone other than the licensee to sell alcohol beverages. The license or permit of a person who violates this shall be revoked. The governing body of every city, village, and town may, **but is not required to**, issue local retail liquor and beer licenses. The municipality may refuse to issue licenses as long as it uses good judgment and does not discriminate between applicants.

V. SALE OF ALCOHOL BEVERAGES

The term “sale,” “sold,” or “sell” includes the transfer, gift, barter, trade, exchange, or any shift, device, scheme, or transaction whatever, whereby alcohol beverages may be obtained. Giving away alcohol beverages or using any other device to evade the law relating to its sale is an unlawful sale.

The following are some examples of illegal transactions at **unlicensed** premises:

1. A “free” drink with a meal;
2. A cover charge, whereby mix is furnished at a price, with “no charge” for liquor;
3. A “free” bottle of liquor tied into the sale of some other item.

Penalty: Fine of not more than \$10,000 or imprisonment for not more than nine months, or both.

VI. SELLER’S PERMIT

- A. Every individual, partnership, corporation, or other organization selling tangible personal property in Wisconsin must have a seller’s permit.
- B. The alcohol beverage license and seller’s permit must be in the same legal name (see exception below). If the alcohol beverage license is issued to a partnership or corporation, the seller’s permit must be too; not to the agent, officer, or individual. When dealing with a limited liability company (LLC) always issue the alcohol beverage license in the legal name of the LLC (not trade name or owner’s name).

Exception: Some alcohol beverage licenses are issued to an LLC where the business operates as a sole proprietor or single member for sales tax purposes. In such cases the LLC’s seller’s permit may be issued in the name of the sole proprietor or single member of the LLC. If an LLC applies for an alcohol beverage license and furnishes a seller’s permit that is not in the legal name of the LLC, call the department at (608) 266-2776 to verify whether the seller’s permit is valid for the LLC.

Write... Wisconsin Department of Revenue
Mail Stop 5-77
PO Box 8949
Madison, WI 53708-8949

Phone... (608) 266-2776

Email... DORSalesBusinessTaxandWithholding@revenue.wi.gov

Visit our website: revenue.wi.gov

VII. FEDERAL TAX STAMP

Before beginning business every retail licensee must file an Alcohol Dealer Registration with the federal Department of Treasury Alcohol and Tobacco Tax and Trade Bureau (TTB). Use TTB Form 5630.5d. This form is available from the TTB website at: ttb.gov/forms/f56305d.pdf or by calling the National Revenue Center at 1-800-937-8864. Once you have registered your business, any change in your business operation must be reported before the subsequent July 1, using the same form.

VIII. LICENSES FRAMED AND POSTED

All liquor and beer licenses must be framed and posted in the room where the business is carried on. Everyone visiting the business must be able to easily see the licenses in that room. Any related permits and licenses should be posted with the alcohol beverage license.

IX. REQUIRED ONSITE SUPERVISION OF LICENSED PREMISES

- A. Except in Class “A” beer premises between midnight and 6:00 a.m. (or any time when the sale of fermented malt beverages is prohibited by municipal ordinance), one of the following must be present on all licensed premises during all business hours:
 1. The licensee, or;
 2. An adult member of licensee’s immediate family (actually living in the licensee’s household), or;
 3. The corporation agent, (the agent’s immediate family members must have an operators’ license, if they supervise the premises in the agent’s absence), or;
 4. The holder of a provisional operator’s license (issued to persons enrolled in the responsible beverage server training course pending approval of an operator’s license by the municipal governing body), or;
 5. The holder of an operator’s or manager’s license.

- B. An adult working under the immediate supervision of any of the above does not need an operator's license. **NOTE:** "Immediate supervision" means that the licensed person must be able to watch and supervise each unlicensed person's actions. This means that the licensed person must be in the same room or area as the unlicensed person, near enough to see and talk to him or her, and to be able to actually supervise the unlicensed person.
- C. An operator's license is good in any premises in the municipality where it has been issued, but it may be used only in that municipality. Licensees may be prosecuted for not having the required supervision on their premises.

X. SALE TO INTOXICATED PERSONS

It is illegal to furnish alcohol beverages to an intoxicated person. The penalty for this violation is \$100-\$500 fine, imprisonment for not more than 60 days, or both.

XI. REFILLED LIQUOR BOTTLES

- A. It is illegal to refill any liquor bottle; you may not pour any substance into a liquor bottle, even the same brand of liquor.
- B. When a bottle is empty, deface its label and break the bottle. If the bottle has a Wisconsin tax stamp, deface this, too.
- C. You don't have to break bottles saved for recycling; however, the labels must be defaced. Bottles saved for recycling must be placed in boxes marked "For Recycling Only."
- D. You do not have to break empty ceramic decanters, but you must deface the tax stamp, if any.

XII. IDENTIFICATION REGISTER

- A. The Department of Revenue recommends that every licensee keep an identification register book. The ID register may be used to record the identity of a person who alleges he or she is of legal drinking age. The book may also be used to record the identity of a person who alleges that he or she is an underage person's parent, guardian, or spouse and that he or she has attained the legal drinking age.

Record the date of purchase, the type of identification used, and the address of the purchaser, then have the purchaser sign the register. Check the signature in the book against the signature on the ID to see that they match.

- B. The "Proof of Age Register" or "Identification Register Book" may be purchased, at a small fee, from:
 - 1. Tavern League of Wisconsin, 2817 Fish Hatchery Road, Fitchburg, WI, 53713-5005, phone: (608) 270-8591, email: info@tlw.org.
 - 2. Wisconsin Grocers Assn., One S. Pinckney, Ste. 504, Madison, WI, 53703, phone: (608) 244-7150, email: sdecorah@wisconsinagrocers.com.

XIII. PRESERVATION OF RECORDS

Alcohol beverage (and cigarette and tobacco products) retailers must purchase these products only from **Wisconsin wholesalers**. They may not be transferred between retail accounts, except that alcohol beverages may be transferred as specified in "Transfer of Alcohol Beverage Stock," below.

Keep invoices for all purchases of liquor, beer, (and cigarettes and tobacco products) on the licensed premises for 2 years from the date of the invoice. Keep them in sequence and in chronological order. They must be available for inspection during business hours.

XIV. TRANSFER OF ALCOHOL BEVERAGE STOCK

If you sell your business, you may transfer your sealed liquor, wine and beer stock to another retail licensee in this state. List your entire sealed stock on an inventory Form AT-900 available at the Department of Revenue's website at revenue.wi.gov. Complete this form in duplicate, sign it, and have it signed by the buyer. Give one copy to the buyer, to be kept as an invoice on the licensed premises, and keep one copy for your own records. Cigarettes and tobacco products may not be transferred.

XV. WINE WALKS

Wine walks: A wine walk is an event where customers are served a glass of wine at separate retail store locations (e.g., jewelry stores, furniture stores, etc.) during their shopping visits. Wisconsin alcohol beverage laws require a license to sell or distribute alcohol beverages, and alcohol beverage licenses are issued for specific premises. Therefore, a Class A, Class B, or Class C alcohol beverage license does not authorize a person to operate a wine walk. A temporary Class B license (picnic wine license) may be issued to certain bona fide clubs. A temporary Class B license holder may not operate a wine walk because of the following:

- A licensee can only hold two temporary licenses in a 12-month period.
- A licensee must purchase, advertise, and sell intoxicating liquor in the licensee's name only.
- A licensee must be in compliance with Department of Health Service rules governing sanitation in a restaurant.
- A licensee must prohibit underage persons not accompanied by parent/guardian/spouse of legal drinking age from being on licensed premises.

XVI. CORKAGE FEES

Corkage Fees: Wisconsin alcohol beverage law does not allow “corkage fees” – fees charged by restaurant owners to allow patrons to carry in their own alcohol beverages to be consumed on the premises.

If the restaurant does have an alcohol beverage license, the only alcohol beverages allowed on the premises are those which the retailer has purchased from a licensed Wisconsin wholesaler; the retailer is required to have invoices from the wholesaler showing what product the retailer has purchased from the wholesaler.

If the restaurant does not have an alcohol beverage license, allowing consumption of alcohol beverages is prohibited and the restaurant owner can be charged for allowing its illegal consumption.

XVII. CREDIT LAWS

A licensee may only buy liquor or beer for cash or on credit terms for a period not to exceed 30 days (liquor) or 15 days (beer). Licensees may not buy liquor if they are in debt to any liquor wholesaler for more than 30 days, or beer if they are in debt to any beer wholesaler for more than 15 days. A person may not be issued a license if he or she exceeds these limits.

XVIII. INSPECTION OF LICENSED PREMISES

- A. Licensed premises may be inspected by law enforcement officers during all reasonable hours, including all business hours. All rooms connected to the barroom, sales room, or storage area may be inspected as part of the licensed premise. Refusing to permit an inspection is grounds for revocation or suspension of the license.
- B. Liquor, beer, cigarettes, and personal property kept in violation of the statutes may be seized.

XIX. UNDERAGE PERSONS ENTERING LICENSED PREMISES

- A. An underage person accompanied by his or her parent, guardian, or spouse of legal drinking age may be on any licensed premises.
- B. An unaccompanied underage person may enter a Class A alcohol beverage licensed premises to buy items other than alcohol beverages. The underage person may not stay on the premises after the purchase.
- C. An unaccompanied underage person may also enter a licensed premises if:
 - 1. He or she is an employee, resident, lodger, or boarder on the premises, or;
 - 2. He or she enters to do business other than amusement or the purchase or consumption of food and beverages (see exception B above), or;
 - 3. He or she enters to buy food in a restaurant whose “principal business” is serving food, or;

4. The premises is a hotel, drug store, grocery, bowling center, service station, indoor golf simulator facility, vessel, private tennis or soccer club, ski chalet, golf course or clubhouse, racetrack licensed under ch. 562, indoor or outdoor volleyball court, curling club, billiards center having 12 or more billiards tables, privately owned fishing business that is open to the public for a fee, car operated on a railroad, a regularly established athletic field or a county or municipally owned public facility as defined in sec. 125.51(5)(b), Wis. Stats., of the statutes, or a center for visual or performing arts, or;
 5. The premises is in a state park or forest or a park owned by an agricultural society receiving state aid.
 6. The premises has a Class “B” beer or “Class B” liquor license and the underage person is there to do business at an auction or flea market. In this case, the underage person may not enter any room where alcohol beverages are sold, furnished or possessed.
 7. The premises has a Class “B” beer or “Class B” liquor license and the underage person is in a room where no alcohol beverages are sold, furnished, served, or consumed by anyone when the underage person is present. This applies only if the municipality adopts an ordinance allowing it. The local law enforcement agency must authorize, in writing, the presence of underage persons on the date of the authorization. A separate authorization is necessary for each date on which underage persons will be on the premises. (Sec. 125.07(3)(a)(8), Wis. Stats.)
 8. The underage person is on Class “B” or “Class B” licensed premises, on a date specified by the license, when no alcohol beverages are consumed, sold, or given away. The licensee, the agent named on the license (if a corporation), or a person with an operator’s license must be on the premises unless all alcohol beverages are in locked storage. The licensee must notify the local law enforcement agency, in advance, of when underage persons will be on the premises. (Sec. 125.07(3)(a)(10), Wis. Stats.)
 9. The underage person enters and remains in a dance hall, or banquet or hospitality room attached to a Class B licensed premises, for the purpose of attending a banquet, reception, dance or other similar event.
 10. The underage person is at least 18 years old, and is working under a contract with a licensee, permittee, or corporate agent to provide entertainment for customers on the premises.
 11. The premises is issued a temporary Class “B” (picnic) beer license and the licensee is authorized to permit underage persons on the premises by the official or body of the municipality that issued the license.
- Note:** When the purpose of the above exemptions (that is, bowling, dining, recreation, etc.) can be accomplished without the underage person being in the barroom or other areas where alcohol beverages are sold or consumed, the underage person may not enter or remain in such areas (State vs. Ludwig Lanes, 31 Wis. 2nd 690).
- D. No retail licensee may permit an underage person, not accompanied by a parent, guardian, or spouse of legal drinking age, to enter any part of the licensed premises for any purpose except those stated on pages 5 and 6.
 - E. You should demand proof of age of anyone entering the premises who appears to be under the legal drinking age. Wisconsin residents may prove age with either a valid Wisconsin identification card or a pictured Wisconsin driver’s license. You or your employee should require anyone who has shown proof of legal drinking age to sign an ID register book, if the person’s age is in question. Record the date of purchase, the identification used, the address, and the signature of the purchaser in the book. The book should be kept on the premises and available for inspection by any peace officer. (Sec. 125.07(7), Wis. Stats.)

XX. SALES AND SERVICE OF ALCOHOL BEVERAGES TO UNDERAGE PERSONS

An underage person accompanied by a parent, guardian, or spouse of legal drinking age may be sold or served alcohol beverages in any licensed premises. (Sec. 125.07(1), Wis. Stats.)

XXI. POSSESSION OF ALCOHOL BEVERAGES BY UNDERAGE PERSONS

An underage person may not possess alcohol beverages anywhere unless accompanied by a parent, guardian, or spouse of legal drinking age (sec. 125.07(4)(b)). This does not apply to underage persons employed by the following types of licensees or permittees, in the course of this employment: (sec. 125.07(4)(bm), Wis. Stats.)

- A. Brewers
- B. Beer wholesalers
- C. Liquor wholesalers
- D. Facilities for the production of alcohol fuel
- E. Retail licensees or permittees, under the provisions of secs. 125.32(2) and 125.68(2), Wis. Stats., (laws covering operator's licenses), or for delivery of unopened containers to the home or vehicle of a customer.
- F. Campuses, if the underage person is at least 18 years of age and is under the immediate supervision of a person of legal drinking age.

XXII. NONALCOHOL "BEER"

Section 125.02, Wis. Stats., classifies "alcohol beverages" as those beverages containing 0.5% or more alcohol by volume. Beverages that contain less than 0.5% alcohol by volume are not classified as "alcohol beverages". Thus, these "nonalcohol" beverages are not regulated by Chapter 125; they are to be treated the same as other noncarbonated waters and sodas, and may be sold to anyone, regardless of age.

These beverages should not be confused with those labeled "low alcohol" (L.A.), which generally contain 3.2% alcohol, and are regulated by Chapter 125 as being alcohol beverages.

XXIII. EMPLOYMENT OF MINORS

- A. Minors under 14 years of age may not be employed where alcohol beverages are sold except that minors as young as 12 may be employed at such establishments if their parents own the business.
- B. Minors 14 and older may be employed where alcohol beverages are stored, sold, or served if they are not serving, selling, dispensing, or giving away alcohol beverages. This applies to all places licensed to sell alcohol beverages, including stores, service stations, bars, and restaurants.
- C. Minors may not be employed or appear as musicians, singers, performers, or dancers at roadhouses, dance halls, night clubs, taverns, or similar places, except:
 - 1. Minors 16 or 17 years of age may be employed or appear as musicians in a hall on Friday, Saturday, or any other day not followed by a school day, or before midnight on Sunday, if the hall was rented to celebrate a special event such as a wedding, holiday, birthday, or anniversary.
 - 2. Minors may be so employed or appear at dances held solely for minors, conducted by private clubs or civic organizations, where admission is limited to the club membership or by club invitation, and the general public is excluded. (Sec. 103.78, Wis. Stats.).

(Sec. 103.78(1)(d), Wis. Stats., and Wis. Adm. Code DWD 270.)

XXIV. OTHER LAWS RELATING TO UNDERAGE PERSONS

- A. No one may falsely represent that he or she is of legal drinking age to ask for or obtain alcohol beverages in any licensed premises. (Sec. 125.07(4), Wis. Stats.)

- B. No one may possess or consume alcohol beverages in a public, parochial, or private school, through 12th grade, or in a vehicle owned by, rented, or consigned to a school or while participating in a school activity, without the express, written permission of the school administrator (sec. 125.09(2), Wis. Stats.) Permission may not be given to underage persons.
- C. A licensed alcohol beverage retailer may bring a civil action against a person who violates the state's underage drinking law, if the following conditions are met:
- The conduct must occur on the retailer's premises
 - The retailer must mail notice of the intent to bring action to the underage person or the underage person's parent, as applicable at least 15 days prior to filing the action
 - The retailer must not have been convicted of, received a citation for, or been charged with a violation of the underage drinking law
 - The retailer must have reported the suspected conduct to law enforcement at or near the time when the conduct was first discovered
- D. An underage person misrepresenting his or her age to obtain alcohol beverages is subject to the same penalties described in B. above.
- E. Anyone unlawfully possessing or consuming alcohol beverages on a school premises, in a school vehicle, or while participating in a school activity is subject to a forfeiture of not more than \$200 (sec. 125.09(2)(d), Wis. Stats.) except that disposition in the proceedings against an underage person shall be as provided by ss. 48.344 and 125.07(4)(c) and (d), Wis. Stats..
- F. The alcohol beverage license of any person committing a violation of sec. 125.07(1), Wis. Stats. shall be suspended for:

ture of not less than \$250 nor more than \$500, suspension of his or her motor vehicle operating privilege as provided under sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program, or a combination of these penalties.

A person selling or furnishing alcohol beverages to an unaccompanied underage person is subject to a forfeiture of not more than \$500 if the person has not committed a previous violation within 30 months of the violation nor more than \$500 or imprisoned not more than 30 days or both for a subsequent offense within 30 months of the violation. (Sec. 125.07(1), Wis. Stats.)

An underage person misrepresenting his or her age to obtain alcohol beverages is subject to the same penalties described in B. above.

Anyone unlawfully possessing or consuming alcohol beverages on a school premises, in a school vehicle, or while participating in a school activity is subject to a forfeiture of not more than \$200 (sec. 125.09(2)(d), Wis. Stats.) except that disposition in the proceedings against an underage person shall be as provided by ss. 48.344 and 125.07(4)(c) and (d), Wis. Stats..

The alcohol beverage license of any person committing a violation of sec. 125.07(1), Wis. Stats. shall be suspended for:

1. Not more than 3 days if a second violation is committed within 12 months of a previous violation.
2. Not less than 3 days nor more than 10 days if a third violation is committed within 12 months of two previous violations.
3. Not less than 15 days nor more than 30 days if a fourth violation is committed within 12 months after committing three other violations.

This provision does not apply if the underage person was employed by or assisting a law enforcement agency in carrying out enforcement to determine compliance with, or investigating potential violations of the prohibition on underage persons in licensed premises. A retailer prevailing in the civil action shall be awarded \$1,000 in damages and the costs of bringing the civil action. (Sec. 125.07(4)(f), Wis. Stats.)

XXV. PENALTIES FOR VIOLATIONS

- A. Alcohol beverage licensees permitting unaccompanied underage persons to unlawfully enter the premises are subject to a forfeiture of not more than \$500. (Sec. 125.07(3), Wis. Stats.)
- B. An unaccompanied underage person unlawfully entering a licensed premises is subject to a forfei-

XXVI. FALSE ID CARDS - PENALTIES

- A. Anyone other than a person authorized by sec. 25.085, Wis. Stats., or sec. 343.50, Wis. Stats., who makes, alters, or duplicates an official identification ("ID") card, provides an official ID card to an underage person, or knowingly provides other

documentation to an underage person claiming that the underage person is of legal drinking age may be fined not less than \$300 nor more than \$1,250 or imprisoned not less than ten days nor more than thirty days, or both.

B. Any underage person who does any of the following may be penalized. For a first violation, a forfeiture of \$300 - \$1,250, suspension of the person's driving privilege, participation in a supervised work program, or any combination of these penalties.

1. Intentionally carries an official ID card not legally issued to him or her, an official ID card obtained under false pretenses, or an official ID card which has been duplicated to give false information.
2. Makes, alters, or duplicates an official ID card.
3. Gives false information in applying for an official ID card.
4. Intentionally carries an ID card or other documentation showing that he or she is of legal drinking age, knowing that the documentation is false.
5. Provides to another underage person an official ID card or other documentation claiming that the other underage person is of legal drinking age, knowing that the documentation is false.

C. Any person who violates "A," above, for money or other consideration is guilty of a Class I felony.

XXVII. ID/DL CHECKING GUIDE

A. False ID/DL Checking Guide

- Ask pertinent questions about the ID presented. For example, if an ID card is presented as proof of age, ask how the driving was on the way to the establishment. If the person was driving, ask to see his DL.
- Check the card's expiration date. If the DL has expired, maybe it really does not belong to the holder, but to an older sibling who has already

got a replacement for it. How did he/she get to the establishment - drive, using an expired DL?

- Watch for stamp of "duplicate" on the card. If they have a duplicate, maybe someone else has the original, and one of them is lying.
- People with false IDs rarely carry backup documentation, whereas most people have several forms. When confronted with a possible false ID, ask for further documentation.
- Question the carrier as to some basic information on the card, such as address, exact birth date, middle initial, or spelling of last name. If they don't answer to your satisfaction, refuse service and request that they immediately leave.

B. Things to look for:

- Glue lines.
- Bumpy surfaces by the picture or birth date. Any surface area inconsistent with the rest of the ID usually indicates tampering.
- Overlay of reprinted numbers (and a shadowy or cloudy image). ID card may have been opened to alter numbers.
- Missing spots on the state logo. ID alterers often forget to pay attention to one of the most obvious clues on the card.
- Comparison to legitimate DL or ID. Letters and numbers; size of lettering; format of the card. How many digits for expiration and date of birth?
- Use a blacklight and magnifying glass to check for security features such as ultraviolet/micro-printing on the DL or ID.
- Check reverse side lettering. Oftentimes counterfeiters will spend great amounts of time on reproducing an authentic-looking photoboard, but will merely photocopy the reverse side. These are often blurred, a sure sign of photocopying.

- Bend the card, feel it. How does it feel compared to the authentic card?
- What is the color of card?
- Check the size of the DL. How does it compare to a genuine one?
- Check the color/thickness and clarity of lettering.
- Check thickness of the card.
- Check the corners of the card. Are they well-rounded and smooth or uneven and jagged? This is one of the best methods for detecting counterfeit cards.
- Is there shading or glare on the picture or redness in eyes? Most driver licensing stations have their cameras set to avoid these problems.
- Use an ID Checking Guide, especially in areas where there is a heavy out-of-state population (colleges, tourist communities). There are several commercial companies that publish these guides, which picture all of the states' driver's licenses.
- Consistency with the numbers. These are often targets for alteration experts. Look closely, because they may really be altered.
- Always check the reverse side.
- Compare questionable document to the "standard", your own driver's license. Check letters and numbers, both for size and consistency against the authentic card.
- Check the laminate. How does it compare to the authentic? Is it clear or cloudy?

XXVIII. CIVIL LIABILITY FOR RETAINING ID

Civil Liability for retaining proofs of age.
(Sec. 125.039, Wis. Stats.).

No person who holds a license or permit and no employee of such a person is civilly liable for retaining a document presented as proof of age for a reasonable length of time in a good faith effort to determine whether the person who presented the document is an underage person or to notify law enforcement of a suspected violation of carrying a false ID.

XXIX. CIGARETTE/TOBACCO PRODUCTS LAWS

A. Definitions:

- Cigarette - any roll of tobacco wrapped in paper or any substance other than tobacco.
- Nicotine Product – means a product that contains nicotine and is not any of the following:
 1. A tobacco product.
 2. A cigarette.
 3. A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.
- Tobacco Products - any form of tobacco prepared in such a manner as to be suitable for chewing or smoking, but does not include cigarettes.
- Adult - a person who is 18 years of age or older.
- Minor - a person who is under 18 years of age.

B. License Required - You may not in any manner or upon any pretense or by any device, directly or indirectly sell, expose for sale, possess with intent to sell or give away any cigarettes or tobacco products to any person not holding a license or permit under sec. 139.30-139.41 or 139.79, Wis. Stats., without first obtaining a license from the municipality where you are doing business.

- C. Purchases/Preservation of Records - No retailer may possess cigarettes or tobacco products purchased from anyone other than a manufacturer, distributor or jobber who holds a valid permit from the Wisconsin Department of Revenue. If a retailer purchases tobacco products from an out-of-state company that does not have a permit from the Wisconsin Department of Revenue, the retailer must obtain the permit from the Wisconsin Department of Revenue. Retailers must keep invoices for all purchases of cigarettes/tobacco products on the licensed premises for 2 years from the date of invoice. Keep them in sequence and in a chronological order. They must be available for inspection at all reasonable hours, including all business hours.
- D. Inspection of Licensed Premises/Confiscation Authority - Licensed premises may be inspected by law enforcement officers during all reasonable hours, including all business hours. All cigarettes or tobacco products kept in violation of the laws and all personal property used in connection is subject to seizure. Any refusal to permit the inspection is punishable by fine, imprisonment or both.
- E. Sales to Minors/Sales of Individual Cigarettes - No retailer may sell or give away cigarettes, tobacco products, or nicotine products (including electronic cigarettes containing nicotine) to minors; no retailer may sell individual cigarettes.
- F. Possession of Cigarettes/Tobacco Products/Nicotine Products by Children - A child may possess cigarettes/tobacco products/nicotine products for the sole purpose of resale in the course of employment during his/her working hours if employed by a retailer licensed under sec. 134.65, Wis. Stats.
- G. Training Requirement - Retailers are required to provide training to employees whose duties include the sale of cigarettes/tobacco products/nicotine products. The training program must be an approved program by the Department of Health and Family Services.
- H. As of March 1, 2004, only those cigarettes and Roll-Your-Own (RYO) tobacco products listed on the Wisconsin Department of Justice's (DOJ) website listing labeled **Directory of Certified Tobacco Manufacturers and Brands** may be sold to Wisconsin consumers. (DOJ's website:

doj.state.wi.us/dls/tobacco/index.html.) Product that is not listed cannot be sold or possessed for sale after the date shown on the website listing. Wholesalers **and** retailers who possess this product for sale or sell this product in violation are subject to confiscation of that product and/or fines, forfeitures and revocation of their permits.

- I. Minimum Markup on Cigarettes and Tobacco at Retail. The unfair Sales Act Sec. 100.30, Wis. Stats., commonly referred to as the Minimum Markup Law", applies to the sale of cigarettes and tobacco products and is regulated by the Wisconsin Department of Agriculture, Trade & Consumer Protection (DATCP). For questions on cigarette and tobacco products pricing/markup, please contact DATCP at the following numbers: (608) 224-4992 or (608) 224-4989.

Alcohol or tobacco products may not be sold at less than cost by either wholesalers or retailers. Cost includes a presumptive 3% markup by wholesalers and presumptive 6% markup by retailers.

XXX. VIDEO GAMBLING

Effective July 26, 2003, the video gambling statutes were amended to provide that only a Special Agent of the Department of Revenue that is certified as a law enforcement officer may investigate or enforce video gambling violations on Class B alcohol beverages licensed premise, if the Class B premises has *no more than five video gambling machines*.

The penalties for having five or fewer video gambling machines on a Class B premises include seizure of the machines, seizure of money in the machines, and a penalty of \$500 per machine per incident. A municipality may also enact ordinances regulating these machines.

It is a felony for a Class B establishment to have more than five video gambling machines on premises; it is also a felony for a Class A licensee to have any video gambling machines on premises. In these instances, the licensee may be arrested either by a Special Agent of the Department of Revenue or a law enforcement officer in the jurisdiction where the arrest is made.

The Department of Revenue conducts tax audits of both machine operators and Class B establishments. The

gross receipts from these illegal machines is also subject to Wisconsin sales tax, the net income is subject to Wisconsin income or franchise tax, and the purchase of the machines is subject to Wisconsin sales and use tax.



CITY OF FITCHBURG
Operator License Application
(2 Year License) - Expires June 30 of every odd year

- | | |
|---|------|
| <input type="checkbox"/> New | \$70 |
| <input type="checkbox"/> Renewal | \$70 |
| <input type="checkbox"/> Provisional | \$15 |

Date Rec'd: _____ Cash ☐ Check # _____
Receipt # _____ Lic.# Issued: _____
Applicant Rec'd City Policy Guidelines: _____

Note: Application fee will **NOT** be refunded if denied or withdrawn. A Police check will be completed. Please read carefully and answer honestly. Falsification and/or misrepresentation may be grounds for denial of license/permit. **APPLICANT CANNOT REAPPLY FOR A 6 MONTH PERIOD FROM DATE OF DENIAL**

1. Legal Name: _____ Sex ☐ M ☐ F
First Middle Last
Address: _____ Phone: _____
City: _____ State: _____ Zip: _____ Date of Birth ____/____/____
How long have you lived at above address? _____, In WI _____ Driver's Lic. # _____
Former Names: _____ Place of Employment: _____

Prior Street Address if Above Address is Less Than 5 Years	City	State	Zip	From	To

2. Have you **ever** been convicted of a felony? Yes No

3. Within the past ten (10) years, have you been arrested for, received a summons to appear in court for, or paid a fine for any of the following?

a) Any underage alcohol violation?	YES	NO
b) Operating a motor vehicle while intoxicated?	YES	NO
c) Selling or furnishing alcoholic beverages to underage person?	YES	NO
d) Permitting underage person on licensed premises?	YES	NO
e) Allowing persons on licensed premises after closing?	YES	NO
f) Any alcohol related violation other than a, b, c, d, and e?	YES	NO
g) Sale or possession of drugs of any kind?	YES	NO
h) Fighting, disorderly conduct, assault, or battery?	YES	NO
i) Resisting arrest or obstructing an officer?	YES	NO

4. For each **YES** response in #3, you must identify all violations below. Attach additional sheets if necessary or continue on the back of this application. For OWI charge in the last 2 years, proof of alcohol assessment program required.

Type of Arrest, Summons, Violation or Charge	Month/Year	City	State

5. Within the last two (2) years, did you have or complete one of the following:

- ☐ Successfully completed a Responsible Alcohol Servers Course
☐ Held an Operator's License issued in Wisconsin

- ☐ Completion of alcohol assessment program - attached
☐ An alcohol agent for a retail alcohol license
☐ The sole proprietor of retail alcohol license

6. **CERTIFICATION:** I do hereby swear, under penalty of perjury, that I am the person who made and signed the foregoing application for an operator's license, and that all statements herein are complete, true and correct. I further understand a full background investigation may be conducted by the Fitchburg Police Department prior to consideration of this application. Additionally, I understand that this application may be denied if it contains any falsification and that I will not be able to renew my application, if it was previously falsified, for a 6 month period. I do further agree to comply with all laws, resolutions, ordinances, and regulations, federal, state or local - affecting the sale of fermented malt beverages and intoxicating liquors.

Signature: _____

Email: _____

Printed Name: _____

Date: _____

INVESTIGATION:

APPROVED / DENIED

Case # _____ Date: _____

Police Department Signature: _____

Denied based on guideline # _____

CITY OF FITCHBURG POLICY GUIDELINES
ALCOHOL BEVERAGE LICENSES

Intent. As it is the responsibility of the Public Safety & Human Services Committee (“Committee”) of the Fitchburg Common Council to screen applications for alcohol beverage licenses within the City of Fitchburg under the licensing authority granted by Chapter 125 of the Wisconsin Statutes and Chapter 60 of the Fitchburg Ordinances, the Committee adopts the following guidelines in order to specify the reasons for denying, non-renewing or revoking an alcohol beverage license. If a decision is made to deny, revoke, suspend or non-renew a license, the committee is required to provide that person with a written reason for the denial. These guidelines are adopted to meet that requirement.

Please note: If the Police Department recommends denial, revocation, suspension, or non-renewal of a license, both that person and the employer are notified in writing of the recommendation and are provided the opportunity to meet with the Public Safety and Human Services Committee to discuss the denial. If the Public Safety and Human Services Committee denies, revokes, suspends or does not renew a license, both that person and the employer will be notified, in writing, of the denial and the guideline that was used as reason for denial.

The following guidelines are established by the Committee to provide a framework for which persons are eligible for issuance of an alcohol beverage license (*i.e.* grounds for denial) and a framework for suspension, revocation or non-renewal. **There is broad discretion retained on behalf of the Committee to consider each case on an individual basis. Deviation from the guidelines may be allowed if mitigating circumstances exist, which may include, but are not limited to, the particular circumstances documented or the length of time that has expired since the offense.**

Since alcohol beverage license holders must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintaining the safety of the community, individuals with a past history of negative or uncooperative contacts with police agencies should be scrutinized; provided, however, that the Committee shall not discriminate against such applicants based on a prior arrest or conviction record, pursuant to Wis. Stat. §§ 111.321, 111.322, 111.335 and 125.12(1)(b), unless said arrest or conviction record substantially relates to the circumstances of the particular licensed activity. It is with these goals in mind, as well, that these guidelines are adopted.

For purposes of these guidelines, an “alcohol beverage license,” “license” or “permit” constitutes a retail license or an operators license. Additionally, the definition of “person” shall be as defined in Chapter 60 of the Fitchburg Ordinances. Therefore, these guidelines also apply to corporations, limited liability companies, agents, and partnerships. A corporation or limited liability company with an arrest or conviction record may be issued a license if the corporation or limited liability company has terminated its relationship with all the individuals whose actions directly contributed to the conviction [Sec. 125.04(5)(C)]. **Furthermore, to the extent Wis. Stat. Ch. 125 or Fitchburg Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Committee may also rely on such provisions.**

The Committee will only deny renewal of, suspend or revoke a current alcohol beverage license under these guidelines, or other justification provided by law, if the person committed an offense substantially related to the licensed activity within the license year period immediately preceding the year for which the person is seeking renewal or within

the license year period in which suspension or revocation is sought, unless the police chief demonstrates that previous offenses were not considered in the approval of the current license. In the event the person is considered for non-renewal, suspension or revocation as the result of such an offense, the Committee shall consider all offenses, regardless of when they occurred, to determine application of these guidelines.

Additionally, with respect to a non-natural person, such person's license may be revoked, suspended or non-renewed in the event a new officer, director, member, or manager, is named and such person does not qualify under these guidelines; with the exception that a corporation or limited liability company may retain its license if it terminates its relationship with all the individuals whose actions directly contributed to the conviction. With respect to successor agents, see Wis. Stat. § 125.04(6).

Notwithstanding the above, the following violations may not be used as grounds for suspension, revocation or non-renewal of an existing license:

1. furnishing alcohol beverages to underage persons unless the licensee has committed two (2) violations within a one (1) year period), or
2. Violations punishable under Wis. Stat. § 945.03(2m), 945.04(2m) or 945.05(1m) (relating to commercial gambling and gambling devices).

A copy of these guidelines shall be provided to each person who applies for a license.

GUIDELINES

Guideline 1. Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of any felony, unless duly pardoned, does not qualify for an alcohol beverage license. (To the extent the other guidelines reference a specific offense, this guideline shall apply if the offense constitutes a felony.)

Guideline 2. Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status, or has a current charge pending, for two (2) or more offenses, **arising out of separate incidents**, within the last ten (10) years in the following subcategories, does not qualify for an alcohol beverage license:

- (a) Violent crimes against the person of another, including but not limited to homicide, aggravated battery, sexual assault, injury by negligent use of a weapon, injury by negligent use of a vehicle, or injury by intoxicated use of a vehicle.
- (b) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, obstructing a police officer, resisting arrest, bribery of public officers or employees, misconduct in public office, bomb scares, or acts or threats of terrorism.
- (c) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; possessing with intent to manufacture, distribute or deliver, a controlled substance or a controlled substance analog.

Guideline 3. Provided the offense is **substantially related to the circumstances of the licensed**

activity, any person who has been convicted of, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status, or has a current charge pending, for two (2) or more offenses, **arising out of separate incidents**, within the last three (3) years in the following subcategories, does not qualify for an alcohol beverage license:

- (a) Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
- (b) Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Fitchburg Ordinance Ch. 60 - excluding administrative violations such as "failure to post license under glass") **(furnishing alcohol beverages to underage persons shall not be used as grounds for suspension, revocation, or non-renewal of an existing license unless the licensee has committed two (2) violations within a one (1) year period).**
- (c) Perjury or false swearing, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
- (d) Possessing a controlled substance, controlled substance analog or drug paraphernalia.
- (e) Operating a motor vehicle while under the influence of intoxicants or drugs.
- (f) Operating a motor vehicle with a BAC in excess of .08% by weight.
- (g) Open intoxicants in public places or in a motor vehicle.

Guideline 4. Provided the offenses are **substantially related to the circumstances of the licensed activity**, any person who is an habitual law offender does not qualify for an alcohol beverage license. To constitute an habitual law offender there need not have been a trial or conviction for each or any offense. What is required is that the offenses were committed, that the law has been violated, and that the fact of such violations can be shown. *See Smith v. City of Oak Creek*, 139 Wis. 2d 788 (1987). For purposes of these guidelines, an habitual offender includes, but is not limited to a person who has committed:

- (a) Two (2) or more offenses, each a separate incident, within the immediately preceding six (6) months.
- (b) Three (3) or more offenses, each a separate incident, within the immediately preceding two (2) years.
- (c) Six (6) or more offenses, each a separate incident, within the preceding ten (10) years.

In the case of a person applying for, or possessing, a retail license, an habitual law offender, or habitually troublesome license holder, shall include, but not be limited to persons who have accumulated more than 100 points, in at least two (2) separate incidents, in the immediately preceding year for violations set forth under 11.15(4) of the Fitchburg Ordinances.

Guideline 5. In addition to the other provisions under these guidelines, pursuant to Wis. Stat § 125.12, a person's alcohol beverage license may be denied, non-renewed, suspended or revoked if the person:

- (a) Keeps or maintains a disorderly or riotous, indecent or improper house.
- (b) Sold or has given away alcohol beverages to known habitual drunkards.
- (c) Does not possess the qualifications under Chapter 60 of Fitchburg Ordinances to hold a license.

Guideline 6. Any person who materially falsifies an application for an alcohol beverage license will not be eligible to re-apply for an alcohol beverage license for a period of six (6) months from the **date of denial** of such application. The Committee may waive the provisions of this paragraph, allow the applicant to submit a corrected application, with the appropriate fee, and grant an alcohol beverage license to the person, if it appears to the Committee that any falsifications on the application were the result of inadvertence, excusable neglect, or mistake.

Severability. If any section, subsection, sentence or phrase of this Policy is for any reason held to be invalid or unconstitutional by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase.

Conflict. Any conflict between Wis. Stat. Ch. 125, Fitchburg Ordinance Ch. 60 and this policy shall be decided on the order of precedence which shall be the order listed in this sentence.

This policy will go into effect on the 25th day of November, 2003.

Chapter 60

ALCOHOL BEVERAGES*

Article I. In General

- Sec. 60-1. Definitions.
- Sec. 60-2. Conflicts.
- Sec. 60-3. State statutes adopted.
- Sec. 60-4. Sale or consumption of alcohol beverages in public places.
- Secs. 60-5—60-26. Reserved.

Article II. Licensing Policy and Procedure

Division 1. Generally

- Sec. 60-27. License or permit required.
- Sec. 60-28. Licenses or permits issued in violation of chapter.
- Sec. 60-29. License and permit exceptions.
- Sec. 60-30. Amendment of regulations and restrictions applicable.
- Sec. 60-31. Separate license for each place of business.
- Sec. 60-32. No-license districts.
- Sec. 60-33. Form of license.
- Sec. 60-34. Licenses not valid until all sums due city are paid in full.
- Sec. 60-35. Term and expiration.
- Sec. 60-36. Lapse and cancellation of inactive licenses.
- Sec. 60-37. Restrictions near schools and churches.
- Sec. 60-38. Expansion or change in premises during license year.
- Sec. 60-39. Notice to department of revenue.
- Sec. 60-40. Fees.
- Secs. 60-41—60-68. Reserved.

Division 2. Application and Investigation

- Sec. 60-69. Application—Required.
- Sec. 60-70. Same—Contents.
- Sec. 60-71. Same—Filed with city clerk.
- Sec. 60-72. Time of filing original and renewal applications; exceptions.
- Sec. 60-73. Publication; contents; fee.
- Sec. 60-74. Notice where site not previously licensed.
- Sec. 60-75. Duty of applicant to notify city of changes in status.
- Sec. 60-76. Investigations.
- Sec. 60-77. Time and procedure for granting license.

***State law references**—Alcohol beverages, Wis. Stats. ch. 125; local option, Wis. Stats. § 125.05; municipal regulation of alcoholic beverages, Wis. Stats. § 125.10; fermented malt beverages generally, Wis. Stats. § 125.25 et seq.; intoxicating liquor generally, Wis. Stats. § 125.51 et seq.; unlicensed places serving alcoholic beverages as nuisance, Wis. Stats. § 125.14 carrying handgun where alcohol beverages may be sold and consumed, Wis. Stats. § 941.237; parental liability for acts of minor child, Wis. Stats. § 895.035; beverage taxes, Wis. Stats. § 139.01 et seq.

FITCHBURG CODE

Secs. 60-78—60-97. Reserved.

Division 3. Transfer

Sec. 60-98. To another premises permitted.
Sec. 60-99. To another person prohibited; exceptions upon death of licensee.
Secs. 60-100—60-126. Reserved.

Division 4. Suspension, Revocation or Nonrenewal

Sec. 60-127. Complaint; summons.
Sec. 60-128. Service of summons and complaint.
Sec. 60-129. Failure to appear for hearing.
Sec. 60-130. Hearing procedure.
Sec. 60-131. Committee report.
Sec. 60-132. Prerogatives of the council.
Sec. 60-133. Effect of revocation or nonrenewal.
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ARTICLE I. IN GENERAL**Sec. 60-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult means a person 18 years of age or older.

Alcohol beverages means fermented malt beverages and intoxicating liquor.

Applicant means a person who applies for licensure under this chapter.

Brewer means any person who manufactures fermented malt beverages for sale or transportation.

Card means an official identification card issued under Wis. Stats. § 125.085.

Class "A" malt beverage license means a license described in section 60-328 and Wis. Stats. § 125.25.

"Class A" intoxicating liquor license means a license described in section 60-477 and Wis. Stats. § 125.51(2).

Class "B" malt beverage license means a license as provided in section 60-347 and Wis. Stats. § 125.26.

"Class B" intoxicating liquor license means a license as provided in section 60-511 and Wis. Stats. § 125.51(3).

"Class C" wine license means a license as provided in section 60-407 and Wis. Stats. § 125.51(3m)

Club, society or lodge means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for recreational, fraternal, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain. The trafficking in alcohol beverages shall be incidental only and shall not be the object of its existence or operation. A club making an application for a license shall have occupied the premises upon which it has been located for a period of six months prior to the date of filing such application.

Committee means the common council committee on public safety and human services.

Department means the state department of revenue.

Dwelling house means a detached building which is the residence of one or two families, or a building which is the residence of more than two families and which does not have a separate entrance for the room to be licensed.

Fermented malt beverages means any beverage made by the alcohol fermentation of an infusion in potable water of barley, malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5 percent or more of alcohol by volume.

Hotel means a hotel as defined in Wis. Stats. § 254.61(3), that is provided with a restaurant.

Immediate supervision means the licensee, members of the licensee's immediate family who are 18 years of age or older, a licensed operator, a licensed manager or approved agent must be able to see at all times the activities of those persons serving alcohol beverages. It is not enough for the person supervising merely to be on the premises.

Intoxicating liquor.

(1) The term "intoxicating liquor" means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5 percent or more of alcohol by volume, which are beverages.

(2) The term "intoxicating liquor" does not include fermented malt beverages.

Legal drinking age means 21 years of age.

License means an authorization to sell alcohol beverages issued under this chapter.

Licensee means any holder of a license issued under this chapter.

Market means the retail sale of secondhand or antique merchandise or art.

Operator means any person who shall draw or remove any fermented malt beverage or intoxicating liquors for sale or consumption from any barrel, keg, cask, bottle or other container in which alcohol beverages shall be stored or kept on-premises requiring a license for sale or service to a consumer for consumption in or upon the premises where sold.

Permit means any permit issued by the department under Wis. Stats. ch. 125.

Permittee means any holder of a permit issued by the department under Wis. Stats. ch. 125.

Premises means the area described in the license or permit under this chapter or the area described in a permit issued under Wis. Stats. ch. 125.

Principal business means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance and advertising of the entity may also be taken into consideration if they are given less weight.

Reserve "Class B" intoxicating liquor license means a license as provided in section 60-533 and Wis. Stats. § 125.51(4).

Restaurant means a restaurant as defined in Wis. Stats. § 254.61(5).

Sell, sold, sale or selling means any transfer of alcohol beverages with consideration, or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages, or any shift, device, scheme or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of alcohol beverages.

Tavern means any place in which alcohol beverages are sold for consumption upon said premises.

Temporary Class "B" license means a license described in section 60-349 and Wis. Stats. § 125.26(6).

Temporary "Class B" license means a license described in section 60-382 and Wis. Stats. § 125.51(10).

Underage person means a person who has not attained the legal drinking age.

Wholesaler means a person other than a brewer, manufacturer or rectifier, who sells alcohol beverages to a licensed retailer or to another person who holds a permit or license to sell alcohol beverages at wholesale.

Wine means products obtained from the normal alcohol fermentation of the juice or most of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain 0.5 percent or more of alcohol by volume.

(Comp. Ords. 2009, § 11.01)

State law reference—Similar definitions, Wis. Stats. § 125.02.

Sec. 60-2. Conflicts.

In accordance with Wis. Stats. § 125.10, if any section, subsection, sentence, clause or phrase of this chapter is in impermissible conflict with Wis. Stats. ch. 125, the applicable section, subsection, clause or phrase of Wis. Stats. ch. 125 shall apply. Even where this chapter refers to section, subsection, sentence, clause or phrase of Wis. Stats. ch. 125, for reference or definition purposes, if this chapter deviates, but does not impermissibly conflict with Wis. Stats. ch. 125, this chapter shall apply.

(Comp. Ords. 2009, § 11.18)

Sec. 60-3. State statutes adopted.

The prohibitions, provisions, exceptions and penalties set forth in the following statutes, as from time to time amended, are hereby adopted and by reference made a part of this chapter, as if fully set forth herein:

- (1) Wis. Stats. § 125.07, underage and intoxicated persons; presence on licensed premises, possession; penalties.
 - (2) Wis. Stats. § 125.075, injury or death by providing alcohol beverage to a minor.
 - (3) Wis. Stats. § 125.085, proof of age.
 - (4) Wis. Stats. § 125.09, general restrictions.
- (Comp. Ords. 2009, § 11.13)

Sec. 60-4. Sale or consumption of alcohol beverages in public places.

(a) *Peddling liquor.* It shall be unlawful for any person to peddle any intoxicating liquor from house-to-house where the sale is consummated and the delivery made concurrently.

(b) *Sale on public right-of-way.* It shall be unlawful for any person to sell or serve, or to offer to sell or serve any alcohol beverages upon any public street right-of-way within the city.

(c) *Consumption on streets public right-of-way.* It shall be unlawful for any person to consume any alcohol beverages upon any public right-of-way within the city.

(d) *City park.* It shall be unlawful for any person to drink or have in his/her possession any alcohol beverage in any city park between the hour of 10:00 p.m. and 7:00 a.m.

(1) *Neighborhood parks.* It shall be unlawful for any person to consume any alcohol beverages in any park designated as a neighborhood park. Appropriate signs shall be erected at the entrances to neighborhood parks indicating this prohibition.

(2) *Common council ability to waive prohibition.* The common council, in its discretion, may waive this prohibition for special events in designated parks. This prohibition does not apply to official city neighborhood association sponsored events which are pre-approved by the parks director.

(e) *Exception.* This section shall not apply to persons selling malt beverages in compliance with a validly issued Class "B" permit, or to persons consuming malt beverages at an event for which a temporary Class "B" license has been issued during the hours authorized.
(Comp. Ords. 2009, § 11.12)

Secs. 60-5—60-26. Reserved.

ARTICLE II. LICENSING POLICY AND PROCEDURE**DIVISION 1. GENERALLY****Sec. 60-27. License or permit required.**

(a) Except as otherwise provided in this section it shall be unlawful for any person to sell or keep for sale at wholesale or retail, or permit to be sold or kept for sale at wholesale or retail within the city, to manufacture, rectify, brew or engage in any other activity, for which this chapter provides a license, permit or other type of authorization without holding the appropriate license, permit or authorization under this chapter. All licenses must be approved by city council.

(b) If a temporary Class "B" (picnic beer) license is turned in with insufficient time to hold a public safety and human services and common council meeting, then the authority to grant approval of the license is given to the chair of public safety and human services committee, pursuant to Wis. Stats. §§ 125.26(1) and 125.26(6) and section 60-72. If time permits a meeting to be held, then authority is not granted to the committee chairperson. (Comp. Ords. 2009, § 11.02(1))

State law references—General licensing requirements, Wis. Stats. § 125.04; authority for municipal regulation of alcohol beverages, Wis. Stats. § 125.10; Class "B" malt beverage licenses, Wis. Stats. § 125.26; face-to-face retail sales of malt beverages, Wis. Stats. § 125.27; malt beverage wholesaler's license, Wis. Stats. § 125.28; retail licenses and permits for the sale of intoxicating liquor, Wis. Stats. § 125.51.

Sec. 60-28. Licenses or permits issued in violation of chapter.

No license or permit may be issued to any person except as provided in this chapter and Wis. Stats. ch. 125. Any license or permit issued in violation of this chapter and Wis. Stats. ch. 125 is void.

(Comp. Ords. 2009, § 11.02(2))

Sec. 60-29. License and permit exceptions.

(a) No license or permit shall be required under this chapter for:

- (1) Brewers' premises;
- (2) Hospitals;
- (3) Homemade wine or fermented malt beverages;
- (4) Unadulterated cider;
- (5) Railroads and aircraft in transit;
- (6) Public parks, except as otherwise provided in section 60-4;

- (7) Judicial, personal representative's, guardian's, receiver's or trustee's sale;
- (8) Sale by secured party;
- (9) Ceramic bottle collectors;
- (10) Raffles;
- (11) Auction sales; or
- (12) Bed and breakfast establishments, as set forth and defined more fully in Wis. Stats. § 125.06.

(b) No provision of this chapter shall apply to alcohol intended for use and used in the manufacture and sale of any of the following when unfit for beverage purposes, namely:

- (1) Denatured alcohol produced and used pursuant to Acts of Congress and regulations promulgated thereunder;
- (2) Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations;
- (3) Flavoring extracts, syrups and food products; and
- (4) Scientific chemical, mechanical and industrial products.

(c) No person shall knowingly sell any of the products enumerated in subsection (b) of this section as an intoxicating beverage or under circumstances from which it might reasonably be deduced that the intention of the purchaser is to use or consume them as an intoxicating beverage.

(Comp. Ords. 2009, § 11.02(4))

Sec. 60-30. Amendment of regulations and restrictions applicable.

Any license issued pursuant to this chapter shall be subject to such further regulations and restrictions as may be imposed by amendment to this chapter or by the enactment of new ordinances. Failure to meet the requirements imposed by such amended or new restrictions and regulations shall constitute cause for revocation of the license.

(Comp. Ords. 2009, § 11.16(1))

Sec. 60-31. Separate license for each place of business.

Except as provided under Wis. Stats. §§ 125.27(2)(a) and 125.51(5)(c)1, relating to vessels, wholesalers, manufacturers, rectifiers, brewers and retailers shall have a separate permit or license covering each location or premises, except a licensed public warehouse, from which deliveries and sales of alcohol beverages are made or at which alcohol beverages are stored.

(Comp. Ords. 2009, § 11.08(6))

Sec. 60-32. No-license districts.

No license for the sale of intoxicating liquor shall be issued for any premises within any district established as a no-license district pursuant to the provisions of Wis. Stats. § 125.05(2).

(Comp. Ords. 2009, § 11.08(8))

Sec. 60-33. Form of license.

All licenses issued pursuant to this chapter shall be numbered in the order in which they are issued and shall contain the date of issuance, the fee paid and the name of the licensee.

(Comp. Ords. 2009, § 11.04(10))

Sec. 60-34. Licenses not valid until all sums due city are paid in full.

No license for the sale of alcohol beverages pursuant to this chapter may be delivered to the applicant until the applicant has paid to the city all required fees. The city may not require an applicant to pay an alcohol license fee more than 15 days before the date the license is to be issued. No alcohol beverage license or operator license shall be issued for any premises for which taxes, assessments, utility payments, fines or other claims of the city, are delinquent and unpaid or to any person delinquent in payment of such claims to the city.

(Comp. Ords. 2009, § 11.04(11))

Sec. 60-35. Term and expiration.

All alcohol beverage licenses shall expire on June 30 of each year unless sooner suspended or revoked.

(Comp. Ords. 2009, § 11.05)

Sec. 60-36. Lapse and cancellation of inactive licenses.

Whenever any licensee under this chapter shall not conduct his/her licensed business at the authorized location for a period of six consecutive months, the license issued to him/her shall lapse and become void, unless such six-month period shall be extended by the public safety and human services committee and the city council.

(Comp. Ords. 2009, § 11.07(3))

Sec. 60-37. Restrictions near schools and churches.

No liquor license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance

to such premises. This section shall not apply to premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building hospital building or church building.

(Comp. Ords. 2009, § 11.10(18))

Sec. 60-38. Expansion or change in premises during license year.

(a) No licensed premises as described in a license issued under this chapter, shall be expanded or changed during the license year, without the approval of the city common council, except that no prior approval is required for the following:

- (1) A change in a hotel which does not involve a change or expansion of a licensed bar or restaurant;
- (2) If the only change to the premises is to the exterior facade;
- (3) Any exterior construction; or
- (4) Reconstruction not affecting interior floor space or layout.

(b) The licensee shall provide evidence of preliminary plan review and site inspections by the city police, fire and building departments to the public safety and human services committee prior to council action.

(Comp. Ords. 2009, § 11.04(7)(a))

Sec. 60-39. Notice to department of revenue.

By July 15 annually, the city clerk shall mail to the department of revenue a list containing the name, address and trade name of each person holding a license issued by the city, other than a manager's or operator's license or a temporary Class "B" or temporary "Class B" license, the type of license held and, if the person holding the license is a corporation or LLC, the name of the agent appointed.

(Comp. Ords. 2009, § 11.04(5)(a))

Sec. 60-40. Fees.

The licenses issued under this chapter shall be issued for a period of 12 months except as otherwise specifically provided herein. The fees for all licenses issued pursuant to this chapter shall be as provided in the city fee schedule, payable at the time application for original license or renewal is filed, subject to the following:

- (1) *Class "A" license.* The fee for a Class "A" license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

- (2) *Class "B" license.*
- a. The fee for a Class "B" license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.
 - b. A Class "B" license may be issued at any time for a period of six months in any calendar year. Such licenses are not renewable during the calendar year in which issued.
- (3) *Temporary Class "B" license.* The fee for a temporary Class "B" license covers either picnic beer, wine, or both beer and wine for the same dollar amount.
- (4) *"Class A" license.* The fee for a "Class A" license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (5) *"Class B" license.* The fee for a "Class B" license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (6) *Reserve "Class B" license.* The fee for a reserve "Class B" license shall include a one time initial issuance fee. Bona fide clubs and lodges situated and incorporated in the state for at least six years that apply for a reserve "Class B" license are exempt from paying the initial issuance fee. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued. The initial issuance fee is not prorated and must be paid prior to the license being issued.
- (7) *"Class C" Wine license.* The fee for a "Class C" license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (8) *"Class A" and "Class B" licenses for less than one year.* Licenses valid for six months may be issued at any time. The fee for the license shall be 50 percent of the annual license fee. The license may not be renewed during the calendar year in which issued.
- (9) *Provisional operator's license.* There shall be no fee for a provisional operator's license; provided, however, that the applicant for a provisional operator's license must pay the fee for a regular operator's license prior to issuance of the provisional operator's license, and must pay an additional fee upon application for renewal of the provisional operator's license. A provisional operator's may only be renewed once after 60 days, for an additional 60-day period.

(10) *Refunds.* No license fee shall be refunded if a license is surrendered or revoked for any reason.
(Comp. Ords. 2009, § 11.06(1)—(15))

Secs. 60-41—60-68. Reserved.

DIVISION 2. APPLICATION AND INVESTIGATION

Sec. 60-69. Application—Required.

The common council may issue alcohol related licenses granted only upon application, in writing, on forms provided by the city clerk, and upon fulfilling the requirements of this chapter. Such license is valid for operation only within the limits of the city.
(Comp. Ords. 2009, § 11.04(1))

Sec. 60-70. Same—Contents.

The city clerk shall provide an application form for each kind of license issued or renewed under this chapter. Such form shall be as prescribed by the state department of revenue, if any, and shall require at least the following information:

- (1) A history of the applicant relevant to the applicant's fitness to hold a license.
 - (2) The kind of license for which the applicant is applying.
 - (3) The premises where alcohol beverages will be sold or stored. The licensed premises as described may not be expanded or changed during the license year without the approval of the common council.
 - (4) If the applicant is a corporation, the identity of the corporate officers and agent.
 - (5) The applicant's trade name, if any.
 - (6) Any other information required by this chapter.
 - (7) In the case of a corporation or LLC, an appointment of liquor/beer agent form and agent authorization form must also be completed.
- (Comp. Ords. 2009, § 11.04(2))

Sec. 60-71. Same—Filed with city clerk.

Each application for a license, including an operator's license, shall be sworn to by the applicant. The applicant shall file the application for a license with the city clerk.
(Comp. Ords. 2009, § 11.04(3))

Sec. 60-72. Time of filing original and renewal applications; exceptions.

(a) All new applications for retail/wholesale licenses to sell alcohol beverages shall be filed with the city clerk at least 30 days prior to the granting of the license.

(b) Annual renewals are due in the city clerk's office by April 15. Failure to return applications by this time will result in a higher publication fee being charged, and the license may not be able to be acted upon prior to June 30. All applications for operator's licenses to sell alcohol beverages shall be filed with the city clerk at least 30 days prior to the granting of the license.

(c) The following exceptions shall apply to the filing requirements of this section:

- (1) Temporary 'Class B' (picnic wine) licenses shall be filed with the city clerk at least 15 days prior to the granting of the license.
- (2) Temporary Class "B" (picnic beer) licenses lasting more than four days shall be filed with the city clerk at least 15 days prior to the granting of the license.
- (3) Temporary Class "B" (picnic beer) licenses lasting less than four days can be filed with the city clerk at any time prior to the event. There will be a handling charge in the amount set forth in the city fee schedule to process all temporary Class "B" (picnic beer) licenses turned in less than 15 days prior to the event.

(Comp. Ords. 2009, § 11.04(4))

Sec. 60-73. Publication; contents; fee.

(a) The city clerk shall publish, in a newspaper in accordance with the requirements of Wis. Stats. § 125.04(3), each application for a Class "A," Class "B," "Class A," "Class B" or "Class C" retail license, except temporary Class "B" and temporary "Class B" licenses issued under Wis. Stats. §§ 125.26(6) and 125.51(10) to clubs, prior to issuance of a license.

(b) The publication shall include the name and address of the applicant, the kind of license applied for and the location of the premises to be licensed.

(c) At the time a new application is filed, the applicant shall pay a publication fee to the city clerk. Renewal applicants will pay a publication fee as set forth in the city fee schedule. The renewal publication fee is based on whether or not the application is received timely, in accordance to section 60-72.

(d) The publication shall be printed in a daily newspaper on three successive occasions, or if a weekly newspaper is utilized, it shall be printed at least once.

(Comp. Ords. 2009, § 11.04(5))

Sec. 60-74. Notice where site not previously licensed.

(a) In the event that an application is for a license at a site not previously licensed under this chapter, the city clerk shall schedule a public hearing before the committee on public safety and human services on the granting of the license. This will be published as a Class 1 notice.

(b) The city clerk shall notify all property owners within a radius of 300 feet of the proposed site of the dates of the hearings. The notice shall be given at least ten days before the hearing and may be mailed. If apartments are within the 300 feet, a notice will be sent to the apartment owner of record stating they must post this notice at each of the affected buildings to allow tenants a chance to appear at the public hearing.

(c) The applicant must provide a site plan to the city clerk prior to scheduled public hearing at the public safety committee, showing exactly where alcohol will be stored and sold, as well as how and when it will be kept secure. The applicant must also meet with the chief of police, or designee, to do a walkthrough of the facility prior to approval by the public safety and human services committee.

(Comp. Ords. 2009, § 11.04(6))

Sec. 60-75. Duty of applicant to notify city of changes in status.

Within ten days of any change in any fact set out in an application for a license to sell alcohol beverages issued by the city, which includes, but is not limited to, any violations during the license period, the applicant shall file with the city a written description of the change fact.

(Comp. Ords. 2009, § 11.14)

Sec. 60-76. Investigations.

(a) *Committee on public safety and human services.* The application shall be referred by the city clerk to the committee on public safety and human services. The committee shall make any investigation as to the advisability of granting the license as it may deem necessary or desirable. The committee shall within a reasonable time, and after review of all investigations and reports required by this section, make a report and recommendation to the council as to whether the application should be granted.

(b) *Police chief.* The police chief shall make an investigation of the applicant to determine whether the applicant possesses the qualifications necessary for granting a license under this chapter. In the case of a corporation the agent and all corporate officers will be investigated. All partners will be investigated if the application is for a partnership. The police chief shall report his/her findings to the public safety and human services committee.

(c) *Building inspector and fire chief.* The building inspector and the fire chief shall inspect the premises sought to be licensed to determine whether the premises conform with applicable ordinances of the city and laws of the state. The building inspector and fire chief will report their findings to the public safety and human services committee.

(d) *Finance and utility departments.* A copy of the application will be given to finance, utility and to the court clerk to determine whether there are any outstanding fees owed to the city. All outstanding fees, including, but not limited to, real estate taxes, personal property taxes, utility bills, special assessments, any invoices due the city, fines for any violations (including parking) and any outstanding warrants, must be paid in full prior to the application being approved.

(Comp. Ords. 2009, § 11.04(8))

Sec. 60-77. Time and procedure for granting license.

(a) No license may be granted until and unless the common council, by a majority vote, has authorized granting the license.

(b) The committee on public safety and human services shall meet no later than the second Tuesday in May annually, for the purpose of adopting recommendations upon the applications for licenses filed on or before April 15.

(c) The council shall grant, or deny any application for a license for the ensuing license year filed on or before April 15 not later than June 15 for the ensuing license year. The council may accept and act upon any application filed at any other time.

(d) If the council decides not to grant a new license, it shall notify the applicant for the new license of the decision not to grant the license. The notice shall be in writing and state the reasons for the decision.

(Comp. Ords. 2009, § 11.04(9))

Secs. 60-78—60-97. Reserved.

DIVISION 3. TRANSFER

Sec. 60-98. To another premises permitted.

An alcohol beverage license may be transferred to another premises owned or leased by the same licensee upon payment of a fee as set forth in the city fee schedule and approval of the council. New premises are subject to the same conditions of approval as previous premises. If the request is to transfer the license to a new site that has not been previously licensed, it would be subject to the conditions of section 60-73 and a publication fee as set forth in the city fee schedule for new applicants.

(Comp. Ords. 2009, § 11.07(1))

Sec. 60-99. To another person prohibited; exceptions upon death of licensee.

(a) Except as otherwise provided in this section, an alcohol beverage license may not be transferred from one holder to another.

(b) If the holder of a Class "A," Class "B," "Class A" "Class B" or "Class C" license dies, the license shall automatically pass to the holder's personal representative, or if no personal representative is appointed, to the holder's surviving spouse, if any. The personal representative or surviving spouse, as the case may be, may continue to operate the business, or may sell the business and transfer the license, incidental to such sale; provided, however, that the transferee must comply with all requirements for obtaining a license applicable to original applicants and the transfer must be approved by public safety and human services and council.

(Comp. Ords. 2009, § 11.07(2))

Secs. 60-100—60-126. Reserved.**DIVISION 4. SUSPENSION, REVOCATION OR NONRENEWAL****Sec. 60-127. Complaint; summons.**

Upon the filing of a written verified complaint by any building inspector, police, health or fire officer or by any resident with the city clerk alleging that a licensee under this chapter:

- (1) Has violated any provision of this chapter;
- (2) Keeps or maintains a disorderly or riotous, indecent or improper house;
- (3) Has sold or given away any intoxicating liquor or any fermented malt beverage to any minor, to any person who is intoxicated, bordering upon intoxication, or known to be a habitual drunkard;
- (4) Does not possess the qualifications required under this chapter to hold the license;
- (5) Has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under Wis. Stats. § 961.41(1), of possessing, with the intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under Wis. Stats. § 961.41(1m), of possessing, with the intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law a substantially similar law of another state; or
- (6) Has knowingly allowed another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog;

the common council, or the public safety and human services committee shall issue a summons commanding the licensee to appear before the committee on a day and at a place in such summons named, signed by the city clerk and directed to any police officer in the city, not less than three or more than ten days from its date of issuance, and show cause why the license should not be revoked or suspended. The complaint shall set forth each alleged offense, the date, time and place of each offense alleged and the facts constituting each offense alleged.

(Comp. Ords. 2009, § 11.11(1))

Sec. 60-128. Service of summons and complaint.

The summons and a copy of the complaint shall be served at least three days and not more than ten days before the date set for the appearance and may be served either personally upon the licensee or agent or upon the person in charge of the licensed premises. Service shall be in the manner provided under Wis. Stats. ch. 801 for service in civil actions in civil court.

(Comp. Ords. 2009, § 11.11(1))

Sec. 60-129. Failure to appear for hearing.

If the licensee does not appear as required by the summons, the allegations set forth in the complaint shall be deemed to be true, and if the committee deems its allegations sufficient, the committee shall recommend revocation or suspension of the license as provided in article III of this chapter and the common council may dismiss the complaint, fine the licensee, suspend the license, nonrenew, or revoke the license. Notice of the council's action shall be given to the licensee in writing.

(Comp. Ords. 2009, § 11.11(2))

Sec. 60-130. Hearing procedure.

If the licensee appears at the hearing and denies the allegations set forth in the complaint, each party may present testimony and evidence. The complainant shall be the first to proceed and the licensee, who may be represented by counsel, shall then have the opportunity to be heard in person and to present witnesses and testimony on its behalf. Both the complainant and the licensee shall have the right to cross examine adverse witnesses and to compel the attendance of witnesses by subpoena which shall be issued by the chair of the committee upon request.

(Comp. Ords. 2009, § 11.11(3))

Sec. 60-131. Committee report.

(a) If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law, and a recommendation as to what action, if any, the common council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report.

(b) Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The common council shall determine whether the arguments, shall be presented orally or in writing or both.

(c) If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension, nonrenewal or revocation, the license shall be suspended, nonrenewed, or revoked.

(Comp. Ords. 2009, § 11.11(4))

Sec. 60-132. Prerogatives of the council.

If the common council determines the allegations of the complaint to be true, it may fine the licensee, suspend the license for not less than ten days nor more than 90 days, or revoke the license. If the council determines that the allegations are untrue or if true are not grounds for suspension or revocation it shall dismiss the complaint. If the council determines that the allegations of the complaint were malicious and without probable cause the cost shall be paid by the complainant. The council may require security for costs to be posted by the complainant before issuing the summons.

(Comp. Ords. 2009, § 11.11(5))

Sec. 60-133. Effect of revocation or nonrenewal.

When a license is revoked or nonrenewed, under this section, the revocation or nonrenewal shall be recorded by the clerk and no other license issued under this chapter may be granted within 12 months of the date of revocation or nonrenewal to the person whose license was revoked or nonrenewed. No part of the fee paid for any license so revoked or nonrenewed, may be refunded.

(Comp. Ords. 2009, § 11.11(6))

Sec. 60-134. State law applicable to nonrenewals.

The provisions of Wis. Stats. § 125.12(3) and this division shall apply to refusals by the committee on public safety and human services to recommend renewal of licenses issued under this chapter.

(Comp. Ords. 2009, § 11.04(12))

Secs. 60-135—60-151. Reserved.

**ARTICLE III. GUIDELINES FOR DENIAL, NONRENEWAL, SUSPENSION AND
REVOCATION**

DIVISION 1. GENERALLY

Sec. 60-152. Intent.

(a) As it is the responsibility of the public safety and human services committee ("the committee") of the common council to screen applications for alcohol beverage licenses within the city under the licensing authority granted by Wis. Stats. § 125 and this chapter,

the common council adopts the following guidelines in order to specify the reasons for denial, nonrenewal, suspension or revocation an alcohol beverage license. If a decision is made to deny, revoke, suspend or nonrenew a license, the committee is required to provide that person with a written reason for the denial. These guidelines are adopted to meet that requirement.

(b) Notwithstanding the provisions of this article, broad discretion is retained on behalf of the committee to consider each case on an individual basis. Deviation from the guidelines may be allowed if mitigating circumstances exist, which may include, but are not limited to, the particular circumstances documented or the length of time that has expired since the offense.

Sec. 60-153. Applicability of state law and city code; conflicting provisions.

(a) To the extent Wis. Stats. ch. 125 or this Code provide additional grounds for denial, suspension, revocation or nonrenewal, the committee may rely on such provisions in addition to grounds provided in these guidelines.

(b) Any conflict between Wis. Stats. ch. 125, this Code and the policy set forth in this article shall be decided on the order of precedence which shall be the order listed in this sentence.

Sec. 60-154. Notices provided by the commission and by the police department.

(a) If the police department recommends denial, revocation, suspension, or nonrenewal of a license, both that person and the employer are notified in writing of the recommendation and are provided the opportunity to meet with the public safety and human services committee to discuss the denial. If the public safety and human services committee denies, revokes, suspends or does not renew a license, both that person and the employer will be notified, in writing, of the denial and the guideline that was used as reason for denial.

(b) Since alcohol beverage license holders must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintaining the safety of the community, individuals with a past history of negative or uncooperative contacts with police agencies should be scrutinized; provided, however, that the committee shall not discriminate against such applicants based on a prior arrest or conviction record, pursuant to Wis. Stats. §§ 111.321, 111.322, 111.335 and 125.12(l)(b), unless said arrest or conviction record substantially relates to the circumstances of the particular licensed activity. It is with these goals in mind, as well, that these guidelines are adopted.

Sec. 60-155. Copy of article to be provided to applicants.

A copy of this article shall be provided to each person who applies for a license under this chapter.

Sec. 60-156. Grounds generally.

In addition to all other provisions of this article and pursuant to Wis. Stats. § 125.12, any license under this chapter may be denied, refused renewal, suspended or revoked if the applicant or licenseholder:

- (1) Does not possess the qualifications for licensure under this chapter or state law;
- (2) Has committed any of the offenses enumerated in division 2 of this article;
- (3) Keeps or maintains a disorderly or riotous, indecent or improper house; or
- (4) Sells or gives away, or has sold or given away, alcohol beverages to known habitual drunkards.

Sec. 60-157. Effect of falsification of application for license.

Any person who materially falsifies an application for an alcohol beverage license will not be eligible to reapply for an alcohol beverage license for a period of six months from the date of denial of such application. The committee may waive the provisions of this section, allow the applicant to submit a corrected application, with the appropriate fee, and grant an alcohol beverage license to the person, if it appears to the committee that any falsifications on the application were the result of inadvertence, excusable neglect, or mistake.

Secs. 60-158—60-182. Reserved.

DIVISION 2. OFFENSES

Sec. 60-183. Relevance of offenses; discrimination prohibited.

Since alcohol beverage license holders must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws and assist with minimizing disturbances of the peace and maintaining the safety of the community, individuals with a past history of negative or uncooperative contacts with police agencies should be scrutinized; provided, however, that the committee shall not discriminate against such applicants based on a prior arrest or conviction record, pursuant to Wis. Stats. §§ 111.321, 111.322, 111.335 and 125.12(1)(b), unless said arrest or conviction record substantially relates to the circumstances of the particular licensed activity.

Sec. 60-184. Type of relevant offense; relevant time period.

The committee will only deny renewal of, suspend or revoke a current alcohol beverage license under these guidelines, or other justification provided by law, if the person committed an offense substantially related to the licensed activity within the license year period immediately preceding the year for which the person is seeking renewal or within the license year period in which suspension or revocation is sought, unless the police chief

demonstrates that previous offenses were not considered in the approval of the current license. In the event the person is considered for nonrenewal, suspension or revocation as the result of such an offense, the committee shall consider all offenses, regardless of when they occurred, to determine application of these guidelines.

Sec. 60-185. Applicants other than natural persons.

(a) A corporation or limited liability company with an arrest or conviction record may be issued a license if the corporation or limited liability company has terminated its relationship with all the individuals whose actions directly contributed to the conviction.

(b) Additionally, with respect to a nonnatural person, such person's license may be revoked, suspended or nonrenewed in the event a new officer, director, member, or manager, is named and such person does not qualify under these guidelines; with the exception that a corporation or limited liability company may retain its license if it terminates its relationship with all the individuals whose actions directly contributed to the conviction. With respect to successor agents, see Wis. Stats. § 125.04(6).

State law reference—Similar provisions, Wis. Stats. § 125.04.

Sec. 60-186. Exceptions.

Notwithstanding section 60-185, the following violations may not be used as grounds for suspension, revocation or nonrenewal of an existing license:

- (1) Furnishing alcohol beverages to underage persons unless the licensee has committed two violations within a one-year period; or
- (2) Violations punishable under Wis. Stats. § 945.03(2m), 945.04(2m) or 945.05(1m), relating to commercial gambling and gambling devices.

Sec. 60-187. Effect of certain prior felony convictions.

Provided the offense is substantially related to the circumstances of the licensed activity, any person who has been convicted of any felony, unless duly pardoned, does not qualify for an alcohol beverage license. To the extent the other provisions of this article reference a specific offense, this guideline shall apply if the offense constitutes a felony.

Sec. 60-188. Effect of certain convictions within ten years of date of license application.

Provided the offense is substantially related to the circumstances of the licensed activity, any person who has been convicted of, released from incarceration in a state or federal prison system, or a county jail for, or released from parole or probation status, or has a

current charge pending, for two or more offenses, arising out of separate incidents, within the last ten years in the following subcategories, does not qualify for an alcohol beverage license:

- (1) Violent crimes against the person of another including, but not limited to, homicide, aggravated battery, sexual assault, injury by negligent use of a weapon, injury by negligent use of a vehicle, or injury by intoxicated use of a vehicle.
- (2) Crimes involving cooperation (or lack thereof) with law enforcement officials including, but not limited to, obstructing a police officer, resisting arrest, bribery of public officers or employees, misconduct in public office, bomb scares, or acts or threats of terrorism.
- (3) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; possessing with intent to manufacture, distribute or deliver, a controlled substance or a controlled substance analog.

Sec. 60-189. Effect of certain convictions within three years of date of application.

Provided the offense is substantially related to the circumstances of the licensed activity, any person who has been convicted of, released from incarceration in a state or federal prison system, or a county jail for, or released from parole or probation status, or has a current charge pending, for two or more offenses, arising out of separate incidents, within the last three years in the following subcategories, does not qualify for an alcohol beverage license:

- (1) Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stats. ch. 125.
- (2) Alcohol beverage offenses under state law or this Code, excluding administrative violations such as:
 - a. Failure to post license under glass;
 - b. Furnishing alcohol beverages to underage persons;shall not be used as grounds for suspension, revocation or nonrenewal of an existing license, unless the licensee has committed two violations within a one-year period.
- (3) Perjury or false swearing, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stats. ch. 125.
- (4) Possessing a controlled substance, controlled substance analog or drug paraphernalia.
- (5) Operating a motor vehicle while under the influence of intoxicants or drugs.

- (6) Operating a motor vehicle with a BAC in excess of 0.08 percent by weight.
- (7) Open intoxicants in public places or in a motor vehicle.

Sec. 60-190. Habitual offenders.

(a) Provided the offenses are substantially related to the circumstances of the licensed activity, any person who is an habitual law offender does not qualify for an alcohol beverage license. To constitute an habitual law offender there need not have been a trial or conviction for each or any offense. What is required is that the offenses were committed, that the law has been violated, and that the fact of such violations can be shown. For purposes of this section, an habitual offender includes, but is not limited to, a person who has committed:

- (1) Two or more offenses, each a separate incident, within the immediately preceding six months.
- (2) Three or more offenses, each a separate incident, within the immediately preceding two years.
- (3) Six or more offenses, each a separate incident, within the preceding ten years.

(b) In the case of a person applying for, or possessing, a retail license, an habitual law offender, or habitually troublesome license holder, shall include, but not be limited to, persons who have accumulated more than 100 points, in at least two separate incidents, in the immediately preceding year for violations set forth in the point system schedule included in this chapter.

Secs. 60-191—60-218. Reserved.

ARTICLE IV. QUALIFICATIONS FOR LICENSURE

DIVISION 1. GENERALLY

Sec. 60-219. Natural persons.

Licenses and permits related to alcohol beverages issued to natural persons under this chapter may be issued only to persons who:

- (1) Do not have an arrest or conviction record, subject to Wis. Stats. §§ 111.321, 111.322, 111.335 and 125.12(1)(b);
- (2) Have been residents of this state continuously for at least 90 days prior to the date of application; provided, however, this provision does not apply to an officer of a corporation; and applicants for manager's licenses need only to be residents of this state at the time of issuance; applicants for operator's licenses need not be residents of this state;

- (3) Have attained the legal drinking age; however operator's licenses may be issued to persons who have attained the age of 18 years;
 - (4) Have submitted proof of seller's permit under Wis. Stats. § 77.61(11);
 - (5) Satisfy requirements of section 60-603.
- (Comp. Ords. 2009, § 11.08(1)(a))

Sec. 60-220. Criminal offenders.

No license or permit related to alcohol beverages may, subject to Wis. Stats. §§ 111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony substantially related to the licensed activity, unless the person has been duly pardoned.

(Comp. Ords. 2009, § 11.08(1)(b))

Secs. 60-221—60-248. Reserved.

DIVISION 2. CORPORATIONS AND LIMITED LIABILITY COMPANIES

Sec. 60-249. Requirements for issuance of license.

No license or permit may be issued to any corporation or limited liability company, unless that entity meets the qualifications under sections 60-219(1), (4) and 60-220, unless the agent of the entity appointed under section 60-603 and the officers and directors, or the members or managers of the entity meet the qualifications of sections 60-219(1), (3) and 60-220 and unless the agent of the entity appointed under section 60-603 meets the qualification under section 60-219(2). The requirement that the entity meet the qualifications under sections 60-219(1) and 60-220 does not apply, if the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

(Comp. Ords. 2009, § 11.08(1)(c))

Sec. 60-250. Corporate agent.

No corporation organized under the laws of this state or of any other state or foreign country may be issued any alcohol beverage license unless:

- (1) The corporation first appoints an agent in the manner prescribed by the authority issuing the licensee. In addition to the qualifications under this division, the agent must, with respect to character, record and reputation, be satisfactory to the public safety and human services committee.

- (2) The corporation vests in the agent, by properly authorized and executed written delegation, full authority and control of the premises described in the license of the corporation and of the conduct of all business on the premises relative to alcohol beverages, that the licensee could have and exercise if it were a natural person.
(Comp. Ords. 2009, § 11.08(5)(a))

Sec. 60-251. Successor agent—Generally.

The corporation may cancel the appointment of an agent and appoint a successor agent for the remainder of the license year or until another agent is appointed, as follows:

- (1) The successor agent shall meet the same qualifications required of the first appointed agent.
- (2) The corporation shall immediately notify the city clerk, in writing, if a license is held in writing, of the appointment of a successor agent and the reason for the cancellation and the new appointment.
(Comp. Ords. 2009, § 11.08(5)(b))

Sec. 60-252. Same—Authority.

A successor agent shall have all the authority, perform all the functions, and be charged with all the duties of the previous agent of the corporation until the next regular or special meeting of the common council if a license is held. However, the license of the corporation shall cease to be in force if, prior to the next regular or special meeting of the common council, the city clerk received notice of disapproval of the successor agent by the chief of police.

(Comp. Ords. 2009, § 11.08(5)(c))

Sec. 60-253. Same—Approval.

The license of the corporation shall not be in force after the next regular or special meeting of the common council unless and until a successor agent or another corporate agent is appointed and approved by the public safety and human services committee and common council.

(Comp. Ords. 2009, § 11.08(5)(d))

Sec. 60-254. Resignation.

If an agent appointed under this section resigns, he/she shall notify in writing the corporation and the city clerk within 48 hours of the resignation.

(Comp. Ords. 2009, § 11.08(5)(e))

Sec. 60-255. Responsible operators to be on-premises.

In addition to designation of an agent, the corporation or LLC shall file with the application the names of one or more persons having full responsibility, each of whom shall be licensed operators pursuant to this chapter, any of whom shall be on the licensed premises during business hours. Such named persons may be changed from time to time as is required by business needs, but the agent shall, in writing, notify the city clerk of such change within ten days of its occurrence. This section shall not apply to Class "A" fermented malt beverage and "Class A" liquor and fermented malt beverage licenses or to fraternal organizations.

(Comp. Ords. 2009, § 11.08(5)(f))

Secs. 60-256—60-273. Reserved.

DIVISION 3. WHOLESALERS

Sec. 60-274. License precluded by interest in other license or permit; exceptions.

(a) Except as stated in subsection (b) of this section, a wholesalers license cannot be issued to anyone holding, or anyone having a direct or indirect ownership interest in a premises operating under, one of the following licenses or permits:

- (1) A Class "A" license.
- (2) A Class "B" license, except as provided in subsection (d) of this section.
- (3) A Class "B" permit, except as provided in subsection (d) of this section.
- (4) An industrial fermented malt beverage.

(b) Notwithstanding subsection (a) of this section, a person who holds, or anyone who has a direct or indirect ownership interest in a premises operating under one of the licenses or permits described in subsection (a) of this section, all of which licenses or permits were issued before May 5, 1994, may, subject to this article, division 4 of article II and divisions 3 and 4 of article V of this chapter, renew and continue to hold all of the licenses or permits.

(c) If a person who holds, or anyone who has a direct or indirect ownership interest in a premises operating under one of the licenses or permits described in subsection (a) of this section, fails to renew a license or permit, is denied renewal of a license or permit under division 4 of article II of this chapter, or has one of the licenses or permits suspended or revoked, the person is subject to subsection (a) of this section, with respect to holding a license or permit of that type after the failure of denial of renewal or the revocation or suspension of the license or permit.

(d) A brewer may hold a wholesalers license issued under Wis. Stats. § 125.28 and a Class "B" license as provided under Wis. Stats. § 125.31.
(Comp. Ords. 2009, § 11.08(1)(d))

Secs. 60-275—60-296. Reserved.

ARTICLE V. MALT BEVERAGE AND WINE LICENSES*

DIVISION 1. GENERALLY

Sec. 60-297. Classes issued; quotas.

(a) The city issues alcohol beverage licenses according to the classification system set forth in this article.

(b) Each municipality in this state that is not dry by referendum has a statutory quota for "Class B" liquor licenses. A municipality's quota is based on the number of licenses granted or issued in good faith and in force on December 1, 1997, plus the number of reserve "Class B" liquor licenses the municipality is authorized to issue. The city does not have quotas on any other type of alcohol license. If the city has granted or issued a number of licenses equal to or exceeding its quota, it may still issue licenses in accordance with Wis. Stats. 125.51(4)(v).
(Comp. Ords. 2009, § 11.01(30))

Secs. 60-298—60-327. Reserved.

DIVISION 2. CLASS "A" LICENSES

Sec. 60-328. Package sales for off-premises consumption.

The holder of a Class "A" malt beverage license may sell or keep for sale at retail, on the premises described in the license but for consumption elsewhere, fermented malt beverages in their original packages, containers and bottles. A Class "A" license may be issued to any person qualified under divisions 3 and 4 of this article and articles IV and VI of this chapter, and sections 60-602 through 60-604, except a person acting as an agent for or in the employ or another.
(Comp. Ords. 2009, § 11.02(3)(a))

***State law reference**—General licensing requirements, Wis. Stats. § 125.04.

Sec. 60-329. No issuance to agents or employees.

Class "A" licenses may not be issued to any person acting as agent for or in the employ of another.

(Comp. Ords. 2009, § 11.08(1)(e))

Secs. 60-330—60-346. Reserved.

DIVISION 3. CLASS "B" LICENSES

Sec. 60-347. On-premises or off-premises consumption.

The holder of a Class "B" malt beverage license may sell or keep for sale at retail, on the premises described in the license, fermented malt beverages for consumption either on the premises where sold or off the premises. The holder of a Class "B" license may also sell beverages containing less than 0.5 percent alcohol by volume, without obtaining a license under Wis. Stats. § 66.0433(1).

(Comp. Ords. 2009, § 11.02(3)(b))

Sec. 60-348. Issued to hotels.

(a) Notwithstanding sections 60-70(3), 60-350 and division 2 of article IV of this chapter, a Class "B" license authorizes a person operating a hotel to furnish a registered guest who has attained the legal drinking age with a selection of fermented malt beverages in the guest's room, which is not part of the Class "B" premises.

(b) Fermented malt beverages furnished under this section shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place must be capable of being locked.

(c) The cabinet, refrigerator or other secure storage place shall be locked, or the fermented malt beverages shall be removed from the room when the room is not occupied and when fermented malt beverages are not being furnished under this section. A key for the lock shall be supplied to a guest who has attained the legal drinking age upon request at registration.

(d) The hotel shall prominently display a price list of the fermented malt beverages in the hotel room.

(e) Fermented malt beverages may be furnished at the time the guest occupies the room, but for purposes of this chapter, the sale of fermented malt beverages furnished under this section is considered to occur at the time and place that the guest pays for the fermented malt beverages.

(f) Notwithstanding sections 60-662, 60-664 and 60-667, the guest may pay for the fermented malt beverages at any time if he/she pays in conjunction with checking out of the hotel. An individual who stocks or accepts payment for alcohol beverages under this section shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company or the holder of a manager's or operator's license or be supervised by one of those individuals.

(Comp. Ords. 2009, § 11.08(1)(f)(3))

Sec. 60-349. Temporary special event licenses for malt beverages on-site consumption.

Temporary Class "B" licenses may be issued to bona fide clubs, to state, county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The committee and the common council may, upon issuance of any temporary Class "B" license, authorize the licensee to permit underage persons to be on the premises for which the license is issued.

(Comp. Ords. 2009, § 11.02(3)(c)(1))

Sec. 60-350. Intoxicating liquor license requirement.

Every holder of a "Class B" intoxicating liquor license shall also hold a Class "B" malt beverage license issued at the same time or earlier. Anything which is cause for revocation of the malt beverage license shall also be grounds for revocation of the intoxicating liquor license.

(Comp. Ords. 2009, § 11.08(5)(i))

Sec. 60-351. No issuance to agents or employees; exception for certain hotels and restaurants.

Class "B" licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter.

(Comp. Ords. 2009, § 11.08(1)(f)(1))

Sec. 60-352. No issuance to brewers; exception.

Class "B" licenses may not be issued to brewers except as provided in Wis. Stats. § 125.31.

(Comp. Ords. 2009, § 11.08(1)(f)(2))

Sec. 60-353. Issuance for retail sales on railroad car permitted.

A Class "B" license may be issued authorizing retail sales of fermented malt beverages on a railroad car while the railroad car is standing in a specified location in the city.

(Comp. Ords. 2009, § 11.08(1)(f)(4))

Secs. 60-354—60-379. Reserved.

DIVISION 4. "CLASS B" WINERY LICENSES

Sec. 60-380. Issued to wineries.

A "Class B" license issued to a winery authorizes the sale of wine to be consumed by the glass or in opened containers only on the premises where sold and also authorizes the sale of wine in the original package or container to be consumed off the premises where sold, but does not authorize the sale of fermented malt beverages or any intoxicating liquor other than wine

(Comp. Ords. 2009, § 11.08(1)(g)(1))

Sec. 60-381. Issued to hotels.

(a) Notwithstanding sections 60-70(3), 60-250(2) and 60-255, a "Class B" license authorizes a person operating a hotel to furnish a registered guest who has attained the legal drinking age with a selection of fermented malt beverages in the guest's room which is not part of the "Class B" premises.

(b) Fermented malt beverages furnished under this section shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place must be capable of being locked.

(c) The cabinet, refrigerator or other secure storage place shall be locked, or the fermented malt beverages shall be removed from the room when the room is not occupied and when fermented malt beverages are not being furnished under this section. A key for the lock shall be supplied to a guest who has attained the legal drinking age upon request at registration.

(d) The hotel shall prominently display a price list of the fermented malt beverages in the hotel room.

(e) Fermented malt beverages may be furnished at the time the guest occupies the room, but for purposes of this chapter, the sale of fermented malt beverages furnished under this section is considered to occur at the time and place that the guest pays for the fermented malt beverages.

(f) Notwithstanding sections 60-662, 60-664 and 60-667, the guest may pay for the fermented malt beverages at any time if he/she pays in conjunction with checking out of the hotel. An individual who stocks or accepts payment for alcohol beverages under this section shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company or the holder of a manager's or operator's license or be supervised by one of those individuals.

(Comp. Ords. 2009, § 11.08(1)(g)(2))

Sec. 60-382. Temporary "Class B" special event licenses for wine on-site consumption.

Temporary "Class B" licenses may be issued to bona fide clubs, to state, county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of wine in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. Not more than two licenses may be issued under this section to any club, to state, county or local fair association, agricultural association, church, lodge, society or veterans' post in any 12-month period.

(Comp. Ords. 2009, § 11.02(3)(c)(2))

Sec. 60-383. Number.

No more "Class B" liquor licenses shall be issued by the city than the number permitted by Wis. Stats. 125.51(4), as amended from time to time.

(Comp. Ords. 2009, § 11.08(5)(h))

Sec. 60-384. Malt beverage license requirement.

Every holder of a "Class B" intoxicating liquor license shall also hold a Class "B" malt beverage license issued at the same time or earlier. Anything which is cause for revocation of the malt beverage license shall also be grounds for revocation of the intoxicating liquor license.

(Comp. Ords. 2009, § 11.08(5)(i))

Sec. 60-385. No issuance to agents or employees; exceptions.

Except as provided under Wis. Stat. § 125.69 (relating to interest of manufacturers, rectifiers, wholesalers and retailers), a "Class B" license may not be issued to any person acting as an agent for or in the employ of another.

(Comp. Ords. 2009, § 11.08(1)(g)(3))

Sec. 60-386. Issuance for retail sales on railroad car permitted.

A "Class B" license may be issued authorizing sales of intoxicating liquors on a railroad car while the railroad car is standing in a specified location in the city.

(Comp. Ords. 2009, § 11.08(1)(g)(4))

Sec. 60-387. Club licensee.

A Class "B" malt beverage license may be issued to a person acting as agent for or in the employ of a club, society or lodge that shall have been in existence for not less than three years prior to the date of the application. The agent for a club, society or lodge shall be an officer or manager who shall be personally responsible for compliance with all the terms and provisions of this chapter.

(Comp. Ords. 2009, § 11.08(5)(g))

Sec. 60-388. Issuance with "Class A" license for same premises prohibited; exception.

Retail "Class A" and "Class B" liquor licenses shall not both be issued for the same premises or connecting premises except in the case of hotels maintaining 25 or more sleeping rooms for the accommodation of transient guests.

(Comp. Ords. 2009, § 11.08(7))

Sec. 60-389. Eligibility for economic development grant.

(a) The city hereby finds that it is in the interests of the public welfare to increase the property tax base, provide employment opportunities, attract tourists and generally enhance the economic and cultural climate of the community by providing additional economic incentives for new and continued businesses with liquor licenses.

(b) No earlier than four weeks after the issuing of any new reserve "Class B" license and payment of the initial issuance fee, the applicant may file an application for an economic development grant in the amount of the initial issuance fee with the clerk. The clerk shall determine whether the licensee is operating in compliance with the approved license. The clerk may require the assistance of any other city department in making said determination.

(c) If the clerk determines that the licensee is so operating, the clerk shall authorize the approval of the economic development grant; provided, however, the grant shall not be paid until the licensed premises, which is the subject of the application, has paid all outstanding fees, including, but not limited to, fines, assessments or taxes, owed to the city.

(d) If the clerk determines that the licensee is not in compliance with the approved license, no economic development grant may be authorized and the clerk shall make such finding in writing and cause to be delivered a copy of the findings to the licensee.

(e) If the licensee disagrees with the clerk's determination, the licensee may file a written notice of appeal upon the clerk within ten calendar days of the delivery of the written notice of the clerk's findings. Within 30 calendar days after receiving the notice of appeal, or as soon thereafter as reasonably possible, the clerk shall relay said notice to the public safety and human services committee which shall hold an informal public hearing.

(f) The public safety and human services committee may affirm or reverse the clerk's determination. If the clerk's determination is upheld, appeal thereof may be taken to circuit court pursuant to Wis. Stats. § 753.04. If the clerk's determination is reversed, or the clerk later determines that the applicant has complied with the license, and the licensed premises has paid all outstanding fees, the clerk shall authorize the payment of the economic development grant.

(Comp. Ords. 2009, § 11.06(6); Ord. No. 2010-O-04, § 1(11.06(6)(b)), 2-23-2010)

Secs. 60-390—60-406. Reserved.

DIVISION 5. "CLASS C" WINE LICENSES

Sec. 60-407. On-premises consumption.

(a) The holder of a "Class C" wine license may sell wine by the glass or in an opened original container for consumption on the premises where sold.

(b) "Class C" wine licenses may be granted to an applicant only if the applicant meets the qualifications set out in article IV and division 4 of article V of this chapter for other retail licenses and either:

- (1) The license is for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a barroom; or
- (2) For a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold.

(c) A "Class C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of another.

(d) The licensee under this section shall not be permitted to advertise his/her business as a tavern, bar, pub or any other work or name synonymous with an independent establishment for the purpose of consuming alcohol.

(Comp. Ords. 2009, § 11.02(3)(g))

Secs. 60-408—60-427. Reserved.

DIVISION 6. WHOLESALE LICENSES

Sec. 60-428. Scope.

The holder of a malt beverage wholesaler's license may conduct sales of fermented malt beverages from the premises described in the license, only in original packages or containers, to retailers or wholesalers, not to be consumed in or about the premises where sold.

(Comp. Ords. 2009, § 11.02(3)(h))

Secs. 60-429—60-454. Reserved.

ARTICLE VI. INTOXICATING LIQUOR LICENSES

DIVISION 1. GENERALLY

Secs. 60-455—60-476. Reserved.

DIVISION 2. "CLASS A" LICENSES

Sec. 60-477. Package sales for off-premises consumption.

A retail license "Class A" shall permit its holder to sell, deal or keep for sale intoxicating liquors only in original packages or containers, and to be consumed off the premises so licensed.

(Comp. Ords. 2009, § 11.02(3)(d))

Sec. 60-478. No issuance to agents or employees.

"Class A" licenses may not be issued to any person acting as agent for or in the employ of another.

(Comp. Ords. 2009, § 11.08(1)(e))

Secs. 60-479—60-509. Reserved.

DIVISION 3. "CLASS B" LICENSES

Sec. 60-510. Issuance for same premises prohibited; exception.

A retail "Class A" and "Class B" liquor license shall not both be issued for the same premises or connecting premises except in the case of hotels maintaining 25 or more sleeping rooms for the accommodation of transient guests.

(Comp. Ords. 2009, § 11.08(7))

Sec. 60-511. On-premises or off-premises consumption.

(a) A retail "Class B" shall permit its holder to sell, deal or keep for sale, intoxicating liquors to be consumed by the glass for on-premises consumption, and for off-premises consumption in quantities not to exceed four liters at any one time, except that wine may be sold in the original container or otherwise in any quantity to be consumed off the premises.

(b) This section does not apply to a winery that has been issued a "Class B" license. Division 4 of article V of this chapter shall apply to all wineries that have been issued a "Class B" license.

(Comp. Ords. 2009, § 11.02(3)(e))

Sec. 60-512. Club licensee.

A "Class B" intoxicating liquor license may be issued to a person acting as agent for or in the employ of a club, society or lodge that shall have been in existence for not less than three years prior to the date of the application. The agent for a club, society or lodge shall be an officer or manager who shall be personally responsible for compliance with all the terms and provisions of this chapter.

(Comp. Ords. 2009, § 11.08(5)(g))

Secs. 60-513—60-532. Reserved.

DIVISION 4. RESERVE "CLASS B" LICENSES

Sec. 60-533. On-premises or off-premises consumption.

(a) Reserve "Class B" Licenses are those licenses available under the quota system existing before December 1, 1997, that were not granted or issued by the municipality as of December 1, 1997.

(b) A retail reserve "Class B" shall permit its holder to sell, deal or keep for sale intoxicating liquors to be consumed by the glass for on-premises consumption, and for off-premises consumption in quantities not to exceed four liters at any one time, except that wine may be sold in the original container or otherwise in any quantity to be consumed off the premises.

(c) This section does not apply to a winery that has been issued a "Class B" license. Division 4 of article V of this chapter shall apply to all wineries that have been issued a "Class B" license.

(Comp. Ords. 2009, § 11.02(3)(f))

Sec. 60-534. Number.

No more reserve "Class B" liquor licenses shall be issued by the city than the number permitted by Wis. Stats. 125.51(4).

(Comp. Ords. 2009, § 11.08(5)(h))

Secs. 60-535—60-561. Reserved.

ARTICLE VII. PROVISIONAL RETAIL LICENSES

Sec. 60-562. Issuance; quota limitation.

A provisional retail license may be issued to a person who has applied for a Class "A," Class "B," "Class A," "Class B" or "Class C" license, provided that the provisional retail license only authorizes the activities that the type of retail license applied for authorizes. A provisional retail license may not be issued if the quota prohibits issuing an annual license for the same.

(Comp. Ords. 2009, § 11.02(3)(i))

Sec. 60-563. Scope.

A provisional retail license authorizes applicants for retail licenses to open for business while completing the responsible beverage server training course requirement, provided the applicant meets all the other qualifications set out in article IV and divisions 3 and 4 of article V of this chapter.

(Comp. Ords. 2009, § 11.02(3)(i))

Sec. 60-564. Expiration.

A provisional retail license expires 60 days after its issuance or when the retail license applied for is issued or denied, whichever is sooner.

(Comp. Ords. 2009, § 11.02(3)(i))

Sec. 60-565. Limitation on number of licenses to same applicant.

No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

(Comp. Ords. 2009, § 11.02(3)(i))

Sec. 60-566. False application statement as grounds for revocation.

The city clerk may revoke, in accordance with division 4 of article II of this chapter, the license if he/she discovers that the holder has made a false statement on the application.

(Comp. Ords. 2009, § 11.02(3)(i))

Secs. 60-567—60-595. Reserved.**ARTICLE VIII. OPERATOR LICENSES****Sec. 60-596. When required.**

(a) There shall be upon the premises operated under such licenses as described in article VII of this chapter, at all times the licensee, or some other person who shall have an operator license, and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers.

(b) No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor unless he/she shall possess an operator license, or unless he/she shall be under the immediate supervision of the licensee or a person holding an operator license who shall be upon the premises at the time of such service and within sight of the person.

(Comp. Ords. 2009, § 11.03(1))

Sec. 60-597. When not required.

An operator license is not required when a person is:

- (1) An adult member of the licensee's immediate family and residing in the licensee's household.
- (2) An approved agent of the licensed corporation. Permits are required of the approved agent's immediate family and household.
- (3) Working under the immediate supervision of the licensee, an adult member of the licensee's immediate family and household, an approved agent for the licensed corporation, or another licensed operator.

(Comp. Ords. 2009, § 11.03(1)(a))

State law reference—Issuance of operator license, Wis. Stats. § 125.17.

Sec. 60-598. Scope.

The holder of an operator license may sell or serve alcohol beverages for consumption upon the licensed premises or in the original container or package for consumption off-premises for which the required alcohol license described in article VII of this chapter has been issued.

(Comp. Ords. 2009, § 11.03(1))

Sec. 60-599. Temporary operator's license.

(a) This license may be issued only to operators employed by, or donating their services to, nonprofit corporations which have been granted a temporary Class "B" or temporary "Class B" license. No person may hold more than one license of this kind per year. This license is valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license.

(b) The chairperson of the public safety and human services committee does not have authority to grant temporary operators licenses.

(Comp. Ords. 2009, §§ 11.03(2), 11.04(4)(a)(3))

Sec. 60-600. Provisional operator's license.

(a) A provisional operators license may be issued for a period not to exceed 60 days to any person who has filed a completed application and paid in advance the fee for a regular operator license. A provisional license may not be issued to any person who has been denied a regular operator license by the council within the same licensing year.

(b) The city clerk may revoke the provisional license if he/she discovers that the holder has made a false statement on the application. The provisional operator license shall expire 60 days after issuance or when a regular operator license is issued or denied to the provisional licensee, whichever occurs sooner.

(c) No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

(Comp. Ords. 2009, § 11.03(3))

Sec. 60-601. Qualifications.

An applicant for any operator's license, or temporary operator's license, must:

(1) Meet the requirements of article IV and divisions 3 and 4 of article V of this chapter and Wis. Stats. ch. 125; and

(2) Complete a written application.

(Comp. Ords. 2009, § 11.03(6))

Sec. 60-602. Recent DWI will disqualify.

No person who has been convicted of operating a motor vehicle, snowmobile or boat under the influence of alcohol or drugs within the two years immediately prior to the application shall be eligible for a new or renewal operator's license unless he/she has successfully completed an alcohol assessment program. Applicant must provide proof of completion of class.

(Comp. Ords. 2009, § 11.08(2))

Sec. 60-603. Training course.

(a) Except as provided in subsection (b) of this section, no operator's license may be issued unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the state board of vocational, technical and adult education or unless the applicant fulfills one of the following requirements:

- (1) The person is renewing an operator's license.
- (2) Within the past two years, the applicant held, (or if the applicant was an agent appointed and approved under section 60-249 of a corporation or limited liability company that held) a Class "A," Class "B," "Class A" or "Class B" "Class C" license or permit, or a manager's or operator's license.
- (3) Within the past two years, the person has completed such a training course.
- (4) The person is applying for: a temporary operators license; a managers license; a temporary Class "B" license and is not required to hold a sellers permit under state statutes subchapter III of chapter 77 (Wis. Stats. § 77.51 et seq.), a temporary "Class B" license and is not required to hold a seller's permit under subchapter III of chapter 77 (Wis. Stats. § 77.51 et seq.).

(b) A provisional operator's license may be issued to a person who is enrolled in a training course under subsection (a) of this section and the city clerk shall revoke that license if the applicant fails successfully to complete the course in which he/she enrolls.

(Comp. Ords. 2009, § 11.08(3))

Sec. 60-604. Appearance before committee.

Any person who fails to appear before the committee, upon receiving written notice from the city clerk, shall not be recommended for a new or renewal operator's license.

(Comp. Ords. 2009, § 11.08(4))

Sec. 60-605. Training.

No applicant for an operator license shall be required to undergo training in addition to that under section 60-603 except for alcohol assessment course referred to in section 60-602.

(Comp. Ords. 2009, § 11.03(4))

Sec. 60-606. Posting requirements.

All operator licenses must be posted at the place of employment.

(Comp. Ords. 2009, § 11.03(5))

Secs. 60-607—60-630. Reserved.

ARTICLE IX. OPERATION STANDARDS AND REGULATIONS

DIVISION 1. GENERALLY

Sec. 60-631. Gambling and disorderly conduct prohibited.

It shall be unlawful to permit gambling upon any premises licensed under this chapter. Each licenses premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

(Comp. Ords. 2009, § 11.10(4))

Sec. 60-632. Discrimination prohibited.

It shall be unlawful to refuse service to any person over the legal drinking age on the basis of age, race, color, creed, national origin or sex.

(Comp. Ords. 2009, § 11.10(5))

Sec. 60-633. Sign to be posted.

A sign giving notice of legal service hours shall be conspicuously displayed over the bar on all premises for which a Class "B" or "Class B" or "Class C" license has been issued.

(Comp. Ords. 2009, § 11.10(8)(g))

Sec. 60-634. License to be displayed.

Any license issued for the sale of alcohol beverages on any premises shall be conspicuously displayed under glass upon the licensed premises.

(Comp. Ords. 2009, § 11.10(9))

Sec. 60-635. Supervision by licensee or operator.

(a) Except as provided in Wis. Stats. § 125.07(3)(a)10, the licensee, the agent named in the license if the licensee is a corporation, or some person having an operator's license, shall be upon premises operated under a "Class A," Class "A," "Class B," Class "B" or "Class C" malt beverage or intoxicating liquor license and at each serving bar within said premises at all times while the premises are open for business.

(b) The licensee, agent or operator shall be responsible for the acts of all persons selling or serving alcohol beverages to customers. No person other than the licensee shall sell or serve alcohol beverages in any place operated under a "Class A," Class "A," "Class B," Class "B" or "Class C" license unless he/she is licensed as an operator or is under the immediate supervision of the licensee or of a person holding an operator's license who is on the premises at the time of such service.

(c) This section shall not apply to Class "A" premises between 9:00 p.m. and 8:00 a.m. (Comp. Ords. 2009, § 11.10(11))

Sec. 60-636. Off-street parking.

After September 15, 1990, no license shall be issued for any premises in any residential or commercial district, unless the licensee has available off-street parking stalls as required under chapter 22, the zoning code.

(Comp. Ords. 2009, § 11.10(14))

Sec. 60-637. Leaving licensed premises with open container prohibited.

It shall be unlawful for any person to whom a license has been granted to permit any person to leave the licensed premises with an open container containing any alcohol beverages.

(Comp. Ords. 2009, § 11.10(15))

Sec. 60-638. Employees not to be under influence.

It shall be unlawful for the licensee or any employee of the licensed establishment to be under the influence of an intoxicant or controlled substance or a combination of intoxicants and controlled substances while performing services on the licensed premises.

(Comp. Ords. 2009, § 11.10(16))

Sec. 60-639. Unlawful to sell or give away alcohol beverages to intoxicated persons.

No keeper of a place for the sale of alcohol beverages may sell, vend or in any way deal or traffic in or for the purpose of evading any laws of this state relating to the sale of alcohol beverages, give away alcohol beverages in any quantity to any person intoxicated or bordering on a state of intoxication.

(Comp. Ords. 2009, § 11.10(3))

Sec. 60-640. Alcohol beverages to be sold only on licensed premises.

No alcohol beverages shall be sold or dispensed in any portion of the premises which are not described in the license, except that such beverages may be served in bottles or other original containers to guests occupying rooms in hotels and to persons in rooms on the licensed premises which are open to the public for the service of meals.

(Comp. Ords. 2009, § 11.10(10))

Sec. 60-641. Label required.

It shall be unlawful for any licensee to sell or keep for sale or to permit to be sold or kept for sale any fermented malt beverage unless there shall be placed upon each barrel, keg, cask, bottle or other container in which said beverage is placed a label, in plain and legible type, setting forth:

- (1) The name and address of the brewer or bottler, which manufactured or bottled said beverage;
- (2) The number registered by said brewer or bottler in the office of the state treasurer; and
- (3) A statement of the contents in fluid ounces.

(Comp. Ords. 2009, § 11.10(1))

Sec. 60-642. Liquor label required.

It shall be unlawful for any licensee to sell, to keep for sale, or to permit to be sold or kept for sale any intoxicating liquor unless a clear and legible label setting forth the name of the manufacturer and the contents in fluid ounces are affixed to the container.

(Comp. Ords. 2009, § 11.10(2))

Sec. 60-643. Displaying brand of malt beverage drawn; penalty.

Every holder of a Class "B" malt beverage license selling or offering for sale draft fermented malt beverages to be consumed on or off the premises shall display a sign on, over, or near each tap or faucet disclosing the brand of beer drawn from each tap or faucet and the name of the manufacturer or beer on tap. Such sign shall be visible to patrons for

a distance of at least ten feet so that every patron may be informed of the brand of fermented malt beverages on tap. No licensee shall substitute any other brand of fermented malt beverages for the brand designated by such sign. Any licensee who violates this section shall upon conviction be punished by a fine of not more than \$15.00 for each offense.

(Comp. Ords. 2009, § 11.10(12))

Sec. 60-644. Unlawful to use amplified devices for sale of alcohol beverages.

It shall be unlawful for any person to use or operate or cause to be used or operated in any public street or place or from any aircraft or in front of or outside of any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to any public street or place, any device, apparatus or instrument for the amplification of the human voice or any sound or noise or other sound making or sound reproducing device for the purposes of advertising the sale of alcohol beverages.

(Comp. Ords. 2009, § 11.10(13))

Secs. 60-645—60-661. Reserved.

DIVISION 2. OPERATING HOURS

Sec. 60-662. No after hours consumption.

It shall be unlawful for any person to possess or drink from any open container which contains alcohol beverages within a Class "B," "Class B" or "Class C" licensed premises, during the closing hours specified in this chapter.

(Comp. Ords. 2009, § 11.10(8)(f))

Sec. 60-663. Carryouts prohibited; exception.

(a) Between 9:00 p.m. and 6:00 a.m. no person may sell alcohol beverages on Class "B" or "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises. Carryouts are prohibited for "Class C" licensed premises. This section does not apply to a "Class B" license issued to a winery under section 60-380.

(b) Hotels and restaurants whose principal business is the furnishing of food, drinks or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs and golf courses may remain open for the conduct of their regular business but may not sell alcohol beverages during the hours specified in subsection (a) of this section.

(Comp. Ords. 2009, § 11.10(8)(b), (c))

Sec. 60-664. Regulation of closed retail space.

Only the licensee, employees, salespersons or service personnel shall be present on Class "A," "Class A" premises during hours when the premises are not open for business. Such persons may be present only if they are performing job related activities. All other employees and patrons shall vacate the premises at 9:00 p.m.

(Comp. Ords. 2009, § 11.10(8)(e))

Sec. 60-665. Class "A" premises.

Class "A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 8:00 a.m.

(Comp. Ords. 2009, § 11.10(6))

Sec. 60-666. "Class A" premises.

No premises for which a "Class A" license has been issued may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.

(Comp. Ords. 2009, § 11.10(7))

Sec. 60-667. Class "B," "Class B" and "Class C" premises.

No premises for which a Class "B" "Class B" or "Class C" license has been issued may remain open between the hours of 2:00 a.m. and 6:00 a.m., except as otherwise provided in this section and section 60-663(b). On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6:00 a.m. On January 1 premises operating under a Class "B" "Class B" or "Class C" license are not required to close. This section does not apply to a "Class B" license issued to a winery under section 60-380.

(Comp. Ords. 2009, § 11.10(8)(a))

Sec. 60-668. Winery.

No premises for which a "Class B" license has been issued under section 60-380, may remain open for the sale of intoxicating liquors between the hours of 9:00 p.m. and 8:00 a.m.

(Comp. Ords. 2009, § 11.10(8)(d))

Secs. 60-669—60-694. Reserved.

DIVISION 3. ADDITIONAL CLASS B PREMISES REGULATIONS

Sec. 60-695. Compliance with division regulations required.

A Class "B" malt beverage or "Class B" intoxicating liquor license may only be issued if the premises to be licensed comply with the standards set forth in this division. Failure to comply with these standards shall be cause for revocation or suspension of a license.
(Comp. Ords. 2009, § 11.09)

Sec. 60-696. Not a dwelling house.

The premises shall not be a dwelling house or in a dwelling house.
(Comp. Ords. 2009, § 11.09(1))

Sec. 60-697. Water and sewerage.

The premises shall be connected to the public sewer and water facilities where they are available and to other adequate facilities where public sewer and water facilities are not available.
(Comp. Ords. 2009, § 11.09(2))

Sec. 60-698. Toilet facilities.

The premises shall have a minimum of one toilet for each sex, situated in separate rooms, on the ground floor. The entrance to each such toilet shall designate which sex is to use it.
(Comp. Ords. 2009, § 11.09(3))

Sec. 60-699. Pre-licensing inspection.

Prior to the issuance of the license, the premises shall be inspected by the building inspector, the chief of police, and the fire chief; such officers shall file a written report to the public safety and human services committee stating whether or not the premises comply with the standards set forth in this section.
(Comp. Ords. 2009, § 11.09(4))

Sec. 60-700. Separate business.

No other business shall be conducted on the licensed premises; provided, however, that this restriction shall not apply to a hotel, to a restaurant not a part of or located in any mercantile establishment, to a combination grocery store and tavern, to a bowling alley or other premises used commercially for recreational purposes or to a bona fide club, society or lodge.
(Comp. Ords. 2009, § 11.09(5))

Sec. 60-701. Illumination.

The premises shall satisfy the following minimum illumination requirements measured on a plane 30 inches above the floor at any point in the areas indicated:

- (1) Hallways and passageways, five footcandles;
 - (2) Dance halls and taverns, three footcandles;
 - (3) Stairways and washrooms, ten footcandles.
- (Comp. Ords. 2009, § 11.09(6))

Sec. 60-702. Physically disabled persons.

The premises shall conform to the requirements of Wis. Stats. § 101.13 and state rules promulgated thereunder regarding accessibility and usability by all citizens, including those with functional limitations.

(Comp. Ords. 2009, § 11.09(7))

Sec. 60-703. Compliance with other codes required.

The premises shall comply with and conform to all local, state and federal ordinances, statutes, and regulations.

(Comp. Ords. 2009, § 11.09(8))

Secs. 60-704—60-734. Reserved.

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 60-735. Inspection of licensed premises.

It shall be a condition of any license issued hereunder that the holder shall permit the licensed premises to be entered and inspected at any reasonable hour by any police, building inspector, or fire officer of the city and the submission of an application for a license hereunder shall be deemed to be consent to such entrance and inspection. Any refusal to permit such entrance and inspection shall be grounds for revocation or suspension of the license.

(Comp. Ords. 2009, § 11.09(9))

Sec. 60-736. Violations by agents and employees.

A violation of this article by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(Comp. Ords. 2009, § 11.10(19))

Sec. 60-737. General penalty applies where chapter not specific.

Section 1-21 provides penalties for any person who violates a provision of this chapter for which a penalty is not herein provided.

(Comp. Ords. 2009, § 11.15(1))

Sec. 60-738. Violations are grounds for license suspension, nonrenewal or revocation.

Violation of any limitations and requirements imposed upon a licensee or upon licensed premises by this chapter shall constitute grounds for revocation, nonrenewal or suspension of the license.

(Comp. Ords. 2009, § 11.15(2))

Sec. 60-739. Revocation or nonrenewal of malt beverage license.

Revocation, nonrenewal or suspension of the licensee's malt beverage license shall constitute cause for the revocation, nonrenewal or suspension of any intoxicating liquor license issued for the same premises.

(Comp. Ords. 2009, § 11.15(3))

Secs. 60-740—60-761. Reserved.

DIVISION 2. POINT SYSTEM

Sec. 60-762. Purpose.

This section establishes an alcohol beverage demerit point system to assist in determining which retail license holders should be subject to suspension or revocation procedures.

(Comp. Ords. 2009, § 11.15(4)(a))

Sec. 60-763. Point schedule.

The scale of demerit points set forth in this section, is listed according to the type of alcohol beverage violation. The following demerit point system is used to identify habitually troublesome license holders for the purpose of recommending suspension, revocation or nonrenewal of their alcohol beverage licenses:

<i>Section Number</i>	<i>Type of Violation</i>	<i>Point Value (in points)</i>
60-3	Traffic to underage person	50
60-3	Underage person on premises	25
60-4(a)	Peddling	25
60-4(b)	Sales on streets	25
60-27, 60-28, 60-29, 60-328	Failure to be licensed	100
60-637	Leaving with open container	25
60-70, 60-157, 60-566	False statement on application	50
60-38	Altering premises without permission	50
60-98, 60-99	Transfer of license without permission	50
60-601, 60-274	Wholesalers restrictions	50
60-602	Failure to maintain residence Class A, Class B	50
60-603(b), 60-736	Corporation and agent responsibility violations	25
60-631	Gambling	25
60-632	Discrimination against patrons	100
60-634	Failure to frame and post license	25
60-634	License to be displayed	25
60-635	No licensed bartender	25
60-636	Inadequate parking provided	25
60-628	On-premises consumption, Class A	50
60-639	Traffic to intoxicated person	50
60-640	Sell or serve off-licensed premises	25
60-643	Brand disclosure on tap	25
60-662	After hours consumption, Class B	50
60-663(a)	No carryout after hours	25
60-662	Sell or dispense after hours	50
60-666, 60-668	Open after hours	50
60-664	Regulation of closed retail space	25
60-697, 60-698 and 60-703	Licensed premises to be sanitary	25
60-701	Inadequate lighting	25
60-735	Search of licensed premises	100
60-638	Intoxicated employee	50

<i>Section Number</i>	<i>Type of Violation</i>	<i>Point Value (in points)</i>
Art. X, 60-644	Unlawful sale device	25
Any other nonenumerated violation of this chapter or Wis. Stats. ch. 125		25

(Comp. Ords. 2009, § 11.15(4)(b))

Sec. 60-764. Violations, how calculated.

In determining the accumulated demerit points against a licensee within 12 months, the city shall use the date each violation was committed as the basis for the determination.
(Comp. Ords. 2009, § 11.15(4)(c))

Sec. 60-765. Effect of violations and point accumulation.

(a) The committee shall call before it for purposes of a nonrenewal, revocation or suspension hearing, all licensees who have accumulated 100 points in a 12-month period as a result of court imposed convictions or who have been cited by the city attorney, chief of police, fire chief or building inspector for violations which the committee concludes, if referred to a court, would result in 100 demerit points in 12 consecutive months.

(b) If the demerit point accumulation, calculated from the dates of the violations or alleged violations, meets or exceeds 100 points in a 12-month period, the committee shall file a written complaint under division 4 of article II of this chapter signed by the committee chair with the city clerk seeking a suspension for not less than ten days nor more than 90 days or revocation of the license. If the license is revoked, no other license shall be granted to such licensee or for such premises for a period of 12 months from the date of revocation.
(Comp. Ords. 2009, § 11.15(4)(d)(1), (2))

Sec. 60-766. No license shall be renewed during a period of suspension or revocation.

Any licensee whose license has been suspended or revoked during the preceding 12 month period, and who has accumulated 25 or more demerit points subsequent to said suspension or revocation, at the time of application for renewal, shall be required to appear before the committee to show cause why his/her license should not be nonrenewed after notice and hearing as provided in division 4 of article II of this chapter.
(Comp. Ords. 2009, § 11.15(4)(d)(4))

Sec. 60-767. State law procedure applicable.

The procedure to be used for suspension, revocation or nonrenewal shall be that found in division 4 of article II of this chapter and in Wis. Stats. § 125.12.
(Comp. Ords. 2009, § 11.15(4)(d)(5))

CITY OF FITCHBURG

APPLICATION FOR ECONOMIC DEVELOPMENT GRANT For Reserve "Class B" Licenses

The City of Fitchburg allows a reserve "Class B" licensee, who has paid the \$10,000 initial license issuance fee, to apply for an Economic Development Grant in the amount of \$10,000. The Economic Development Grant recognizes that benefits accrue to the City when new businesses begin to operate and continue to operate. Those benefits include: Increasing the property tax base, providing employment opportunities, promoting tourism and enhancing the economic and cultural climate in the community.

An applicant is eligible for the Economic Development Grant as soon as the applicant has been issued an initial "Class B" license, paid the initial license issuance fee and the establishment is operating and open to the public, for at least a 4 week period.

1.Name of Applicant: _____

2.Agent (name and address): _____

3.Address of Licensed Premise: _____

4.Date Opened for Business: _____

5.Date License issued to applicant by City Clerk: _____

6.Date of Reserve License Issuance Fee Payment: _____

7.Receipt # _____

I hereby certify that the above information is true and accurate.

Agent For Licensed Premises

Date

I hereby declare that the above applicant has demonstrated an economic benefit to the City of Fitchburg by the opening and/or continued operation of _____ and by operating a "Class B" license in compliance with the applicable laws and regulations. Therefore, the above applicant is granted an Economic Development Grant in the amount of \$10,000.00.

Approved on: _____ by _____
Patti Anderson, City Clerk.

Payment Request submitted to Finance for reimbursement on: _____
(Copy of Payment Request Attached)

Finance Officer Approval for payment: _____
Misty Dodge, Finance Officer



Application for Cigarette and Tobacco Products License

MUNICIPAL USE ONLY

Applicant's Wisconsin 15-digit Sales Tax Account Number

← This must be issued in the same Legal Name of the licensee below.

License Number

Period Covered

Date of Issuance

Legal Name (corporation, limited liability company, partnership or sole proprietorship)

Federal Employer Identification No. (FEIN)

Trade or Business Name (if different than Legal Name)

Telephone Number
()

Business Address (Permit Location)

Business Located In

☐ City ☐ Village ☐ Town

Business Telephone
()

City

State

ZIP Code

of:

County

Mailing Address (if different than Business Address)

City

State

ZIP Code

Organization (check one)

☐ Sole Proprietor

☐ Wisconsin Corporation – Enter date incorporated: _____

☐ Partnership

☐ Out-of-State Corporation – Are you registered to do business in Wisconsin? ☐ YES ☐ NO

☐ Other (describe) _____

☐ YES ☐ NO

1. Does the applicant understand that they must purchase cigarettes only from manufacturers, distributors or jobbers who hold a permit with the Wisconsin Department of Revenue?

☐ YES ☐ NO

2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-261-6435.)

☐ YES ☐ NO

3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?

☐ YES ☐ NO

4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health and Family Services? (SmokeCheck.org)

☐ YES ☐ NO

5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products to minors?

☐ YES ☐ NO

6. Does the applicant understand that they may not sell single cigarettes?

☐ YES ☐ NO

7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?

☐ YES ☐ NO

8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at www.doj.state.wi.us/dls/tobacco/index.html may be sold in Wisconsin?

Cigarettes / Tobacco will be sold ☐ over counter ☐ through vending machine ☐ both

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another.

Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

this _____ day of _____, 20 _____

(Clerk / Notary Public)

My commission expires _____



TTB.gov

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
U.S. Department of the Treasury

Treasury is committed to Open Government. Visit Treasury's Open Government Initiative site to learn more about Treasury's efforts towards opening new lines of communication and cooperation between the government and you.

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[BEER](#)

[WINE](#)

[DISTILLED SPIRITS](#)

[OTHER ALCOHOL](#)

[TOBACCO](#)

[FIREARMS & AMMUNITION](#)

Special Occupational Tax (SOT) Repeal

On August 10, 2005, President Bush signed into law the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users," Public Law 109-59. Section 11125 of the Act permanently repeals, effective July 1, 2008, the special (occupational) taxes on all alcohol occupations. The registration requirement for **most** alcohol occupations remain.

Special (Occupational) Tax for tobacco occupations has **NOT** been repealed, and registration and payment requirements remain in effect. All **manufacturers of tobacco products, manufacturers of cigarette papers and tubes, and export warehouse proprietors** must file [TTB F 5630.5t](#) and pay special (occupational) tax before commencing operations for the first time, and subsequently each year on or before July 1.

All **alcohol beverage dealers** must file [TTB F 5630.5d](#) before commencing operations for the first time. Also file [TTB F 5630.5d](#) when there is a change since your last registration and when you discontinue business.

Note to all industry members: Any liabilities incurred during periods prior to the repeal remain due and collectable. Use [TTB F 5630.5a](#) to register and pay liabilities incurred prior to the repeal, on alcohol occupations. Use [TTB F 5630.5t](#) to register and pay liabilities incurred on tobacco occupations, for all years.

If you have questions regarding the repeal of SOT or prior tax periods, please contact TTB's [National Revenue Center](#) at (800) 937-8864 or (513) 684-2979.

CITY OF FITCHBURG
LIQUOR and/or BEER
License Supplemental Form

FOR OFFICE USE ONLY	
_____ Sellers Permit Number	_____ Lease
_____ Federal Employer ID Number	_____ Transfer of Ownership Letter
_____ Description of Licensed Premise	_____ Police Dept. Check
_____ Auxiliary Questionnaire (AT-103)	_____ Fire Dept. Check
_____ *Schedule of Appointment of Agent	_____ Building Inspection
_____ *Appointment of Agent Letter	_____ Finance Approval
_____ *Agent Authorization Letter	_____ Utility Approval
_____ *Articles of Incorporation/Organization	_____ Court Appr. (Corp. Officers & Agent)
_____ Signatures Notarized	_____ Publication Date: _____
_____ Fees Paid Alcohol Date: _____	_____ Fees Paid Cigarette Date: _____
_____ Fees Paid Operators Date: _____	_____ Proof of Training Course/Prev. Lic.

* Required of Corporations or LLC only

1. Name of Applicant/Partner/Corporation/Limited Liability Company (LLC):

2. Address of Licensed
Premise: _____
3. DESCRIBE BUILDING(S) TO INCLUDE OVERALL DIMENSIONS, SEATING
ARRANGEMENTS, CAPACITY, BAR SIZE AND WHERE ALCOHOL BEVERAGES ARE
TO BE SOLD AND STORED. All rooms including living quarters that are directly or indirectly
accessible and under control of the applicant must be included. (Alcohol beverages may be sold
and stored only on the premise described, but does not include living
quarters.) _____

****THE LICENSED PREMISE AS DESCRIBED SHALL NOT BE EXPANDED OR
CHANGED DURING THE LICENSE YEAR WITHOUT APPROVAL OF THE PUBLIC
SAFETY & HUMAN SERVICES COMMITTEE AND THE COMMON COUNCIL.**
4. **FOR NEW APPLICATIONS:**
 - A. Applicant MUST provide a site plan to the City Clerk prior to approval, showing exactly
where alcohol will be stored & sold, as well as how & when it will be kept secure.

- B.** Applicant MUST meet with the Chief of Police to do a walk thru of the facility prior to approval by the Public Safety & Human Services Committee.

5. INDIVIDUAL or PARTNERSHIP ONLY:

How long have you resided in the State of Wisconsin?: _____

Have individual/partners completed the Beverage Server Training Course:

YES _____ NO _____ If Yes, indicate

Names: _____

CORPORATION or LLC only:

Will agent be a resident of Wisconsin at the time of granting? YES _____ NO _____

Agent MUST disclose interest held in business: _____

Has agent completed the Beverage Server Training Course? YES _____ NO _____

If NO - has the agent held an operators or managers license, been an agent of another corporation, or held a license within the last two years? YES _____ NO _____

6.

Director(s) Name(s)	Home Address	Telephone Number

7.

Stockholder's Name	Address	Extent of Ownership

8.

Managers Name	Address	Bus. Phone	Home Phone

Signature or Officer/Partner/Individual